

MR. DEPUTY CHAIRMAN: I will now put the main motion to vote: The question is:

"That the Bill to provide for the protection and improvement of environment and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 26 were added to the Bill.

Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.

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

"That the Bill be passed."

The question was put and the motion was adopted.

ANNOUNCEMENT RE: SUPPLEMENTARY BUSINESS

MR. DEPUTY CHAIRMAN: I have to inform hon. Members Shri V. N. Gadgil, Minister of Information and Broadcasting, will make a statement today on the recommendations made by the Second Press Commission. Thereafter, Shri M. Aruna-chalam, Minister of State in the Department of Industrial Development will make a statement on the decision of a U.S. court on form-non-conveniens—Bhopal gas disaster.

The statements will be made at the end of the Business, entered in today's agenda.

I have also to inform the Members that before we take up the next item on the agenda, a newly nomi-

nated Member of the Rajya Sabha will be taking oath.

MEMBER SWORN

Shrimati Amrita Pritam (Nominated).

THE WILD LIFE (PROTECTION) AMENDMENT BILL, 1986

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): Sir, I beg to move:

"That the Bill further to amend the Wild Life (Protection) Act, 1972, as passed by the Lok Sabha, be taken into consideration."

The wild Life (Protection) Act, enacted in 1972, provides uniform legislation for wildlife conservation efforts throughout the country, with the exception of Jammu and Kashmir which has its own act enacted in 1978.

Since 1972, with the changing times, the Wild Life (Protection) Act has been found wanting to deal with various aspects of wildlife conservation. While comprehensive proposals for amendment of the Act are being finalised, the aspect of trade or commerce relating to endangered species of wild animals is causing serious concern and needs urgent attention.

Next to habitat destruction, the major cause of wild life depletion has been its commercial exploitation. This is true of India as it is elsewhere. The most serious offences today under the Wild Life (Protection) Act are those which pertain to poaching for purposes of sale, or trade offences. A ban on the trade and taxidermy of animals and articles therefrom, which are endanger-

[Shri Z. R. Ansari]

ed or gravely reduced, must be now enforced if these animals are to be given a reprieve.

The Bill under consideration, therefore, seeks to amend the 1972 Act to prohibit trade or commerce in specified wild animals and their derivatives. There is no internal market for such items and since their export is banned, these are being smuggled out of the country to foreign markets at huge profits. This clandestine trade places a great pressure on the wild populations of such animals, thus, endangering their survival. Poaching of wild elephants for ivory is a case in point. It is noteworthy that poaching for ivory is almost entirely confined to the South Indian States which are the main centres of ivory carving. Today there is no restriction in the carving of ivory articles and its sale and the ivory illegally acquired from Indian elephants is thus easily mixed with ivory imported into India. The animal article stocks declared by the traders at the time of commencement of the Wild Life (Protection) Act, 1972, are still used as a cover for illicit trade. Through the proposed amendment, a general provision is sought to be made to deal with the continuing trade in all those species of wild animals which are threatened on this account. Such species will be transferred to Schedule II Part II. This is besides those already listed in Schedule I and the provisions of the Act are being amended to prohibit trade in such animals or their derivatives. All these animals will be designated as scheduled animals. A period of two months is being specified to provide an opportunity to the traders to dispose of their declare stocks of such specified wild animals within the country, including the notified government undertakings. After this specified period, no further trade will be permitted and all existing licences would be invalid thereafter. No further licence would be

granted for internal trade on the specified wild animals or their derivatives, in future. An exemption is being given only to notified Government of India undertakings who can purchase stocks through licences during the specified period of two months, for manufacturing articles exclusively for export.

At present, there is no restriction on the manufacture of articles made of and trade in ivory from the Indian elephants. The provisions in the Act grant an exemption for this purpose which is being deleted to ban this trade. However, the manufacture of and trade in articles made of imported ivory would continue to be permitted but regulated under licence granted under the Act. For contravention of any of the provisions of the Act. For contravention of any of the amending Act, a stricter penalty and punishment than presently available under the Act is being prescribed.

Sir, with these words I commend that the Bill be taken into consideration.

The question was proposed.

SHRI NIRMAL CHATTERJEE (West Bengal): Sir, we had scheduled caste, we had scheduled tribe; now we have a scheduled animal. When are you going to have a scheduled list of Ministers?

SHRI R. RAMAKRISHNAN (Tamil Nadu): Sir, I beg to move:

That the Bill further to amend the Wild Life (Protection) Act, 1972, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:

1. Shri K. Mohanan
2. Shri R. Mohanaragam
3. Shri P. Babul Reddy

4. Shrimati Renuka Chowdhury
5. Shri Chitta Basu
6. Shri Sankar Prasad Mitra
7. Shri Ghulam Rasool Matto
8. Shri Jaswant Singh
9. Shrimati Amarjit Kaur
10. Shri Ramchandra Bharadwaj
11. Shri M. Kalyanasundaram
12. Shri S. W. Dhabe
13. Shri V. Gopalsamy
14. Shri B. V. Abdulla Koya
15. Shri R. Ramakrishnan

with instructions to report by the end of the next Session.

The question was proposed.

DR. R. K. PODDAR (West Bengal): Mr. Deputy Chairman, Sir, I welcome the Motion bringing forth this Bill for the consideration of the House, but I would request the Minister to kindly enlarge the ambit of this Bill because the Bill only restricts the species which are already endangered. If we are careless, there are many species which are not yet endangered and are going to be in danger in future. So I would like to support Mr. Ramakrishnan's suggestion that the Bill be referred to a Select Committee which should elicit opinion from various sectors—of academic community, naturalists, environmentalists etc. I can give you an example. You know that the frog's legs are a delicacy in many countries and in Eastern India people are catching frogs and exporting them outside. Now frogs are not an endangered species. But the frogs usually eat up many insects which are harmful to the crops. So if you reduce the population of frogs, the population of harmful insects increases. Apparently people think that endangered species are like tiger, lions or ivory-giving elephants. So I would humbly request the Minister

to agree to Mr. Ramakrishnan's proposition and refer the Bill to a Select Committee which can elicit opinion from the public. Thank you.

श्री कल्पनाथ राय (उत्तर प्रदेश) :
आदरणीय उपसभापति महोदय, हमारे माननीय मंत्री जी जो बिल सदन के सामने लाये हैं उसका समर्थन करने के लिए मैं खड़ा हूँ। वन्य जीव (संरक्षण) अधिनियम, 1972 वन्य प्राणियों और पक्षियों के संरक्षण के लिए और उससे संबंधित या उसके आनुषंगिक विषयों के लिए उपबंध करता है।

अधिनियम की स्कीम के अधीन वन्य प्राणियों, प्राणी वस्तुओं और द्राव्यों के देश में व्यापार या वाणिज्य की अनुज्ञा है और उसको अध्याय 5 के अधीन विनियमित किया जाता है। वन्य प्राणियों या उनकी वस्तुओं या उनके व्युत्पन्नों के लिए देश में बहुत कम मांग है। अतः देश में व्यापार के लिए अर्जित स्टॉक को विदेश के बाजारों में मांग पूरी करने के लिए तस्करी की जाती है। छुपे तौर पर इस व्यापार को अनधिकृत हस्तक्षेप के अवैध आचरण द्वारा दुष्प्रेरित किया जाता है जिसमें कि हमारे वन्य प्राणियों और पक्षियों की बहुत हानि हुई है। वन्य जीव (संरक्षण) अधिनियम, 1972 के प्रारम्भ पर व्यापारियों द्वारा घोषित किए गए स्टॉक का अब भी ऐसे व्यापार के लिए आड़ के रूप में उपयोग किया जाता है। कुछ वन्य जातियों के प्राणियों के चर्म के घोषित स्टॉक को अर्जित करने के प्रयासों को भी वांछित सफलता नहीं मिली है। इसका मुख्य कारण यह है कि अधिकांश व्यापारी अपना स्टॉक छोड़ना नहीं चाहते हैं। और इस प्रकार अवैध कार्यकलापों के लिए अपने मांस को खोना नहीं चाहते हैं। अब: यह आवश्यक है कि कुछ विनिर्दिष्ट वन्य प्राणियों या उनके व्युत्पन्नों के व्यापार का प्रतिषेध करने के लिए अधिनियम का यथोचित रूप से संशोधन किया जाय। अतः यह उपबंध करने का प्रस्ताव है कि किसी को भी अधिनियम की अनु-

[श्री कल्पनाथ राय]

रूची 1 या अनुसूची 2 में विनिर्दिष्ट वन्य प्राणियों या उनके व्युत्पन्नों का रक्षण अधिनियम के प्रारंभ से 2 मार्च या उस तारीख से, जिसको अधिनियम के उपबंधों के अधीन जारी की गई अधिसूचना द्वारा अनुसूची 1 या अनुसूची 2 के भाग 2 में किसी वन्य प्राणी को सम्मिलित किया जाता है, दो मास की अवधि के पश्चात् व्यापार करने की शक्ती नहीं होगी। आंतरिक व्यापार के लिए अभी विद्यमान अनुज्ञप्तियां उसके पश्चात् अविद्यमान हो जायेंगी। इसके अतिरिक्त भविष्य में ऐसे वन्य प्राणियों या उनके व्युत्पन्नों के आंतरिक व्यापार के लिए कोई नयी अनुज्ञप्ति नहीं दी जायेगी। भारत सरकार के केवल ऐसे अधिसूचित उपजमाओं को छूट दी जा रही है जो दो मास की विनिर्दिष्ट अवधि के दौरान अनुज्ञप्तिधारियों से स्टॉक का, केवल निर्यात के लिए ही उनसे वस्तुओं का विनिर्माण करने के लिए, त्रय कर सकते हैं। इस समय धारा 44(1) के दूसरे परन्तुक के अधीन हाथी दांत के व्यापारियों को उपलब्ध छूट भी समाप्त की जा रही है जिससे कि भारतीय हाथी दांत में व्यापार करने को पूर्ण रूप से वर्जित किया जा सके और साथ साथ आयातित हाथी दांत से बनायी गई वस्तुओं के विनिर्माण और व्यापार के कुछ विनियमन के लिए उपबंध किया जा सके। यह विधेयक उपयुक्त उद्देश्यों की पूर्ति के लिए है।

आदरणीय उपसभापति महोदय, संविधान के नीति निर्देशक तत्वों के अंदर यह कहा गया है कि :

"48. The State shall endeavour to organise agriculture and animal husbandry on modern and scientific lines and shall, in particular, take steps for preserving and improving the breeds, and prohibiting the slaughter of cows and calves and other milch and draught cattle"

आदरणीय उपसभापति महोदय, मैंने निवेदन यह करना है कि हमारे देश के

अंदर पशु और पक्षियों का बहुत ज्यादा महत्व है। सातवीं पंचवर्षीय योजना के माध्यम से हमने राष्ट्र के सामने संकल्प किया है कि उत्पादन और उत्पादकता ही हमारा मूल उद्देश्य है। हिन्दुस्तान एक कृषि प्रधान देश है और हिन्दुस्तान का अर्थ-व्यवस्था कृषि से संचालित होती है। तो जहां इस मुल्क में खेती है वहां इस मुल्क में पशु धन भी है, वहीं इस मुल्क में पेड़ और फल भी हैं। हिन्दुस्तान की भौगोलिक स्थिति को देखते हुए हिन्दुस्तान को आर्थिक दृष्टि से मजबूत बनाने के लिए पशु-पक्षियों का संरक्षण अति आवश्यक है। (समय का घंटा) आदरणीय उपसभापति महोदय, हमारे देश के अंदर 1947 के और आज के बीच में पशु धन में लगातार कमी हुई है। जिसके कारण हमारे देश की जनता

MR. DEPUTY CHAIRMAN: Please conclude. I will call Mr. Ramakrishnan now.

श्री कल्पनाथ राय : को पौष्टिक आहार नहीं मिलता।

MR. DEPUTY CHAIRMAN: Please sit down. Mr. Ramakrishnan.

श्री कल्पनाथ राय : यह कोई तरीका है। बोलने दीजिए। दो मिनट टाइम दे दीजिए।

MR. DEPUTY CHAIRMAN: Please sit down. I have called Mr. Ramakrishnan.

श्री कल्पनाथ राय : दो मिनट दे दीजिए।

श्री उपसभापति : बैठ जाइये। पांच मिनट टाइम था।

श्री कल्पनाथ राय : ऐसा मत कीजिए (व्यवधान)... अरे यह क्या गजब कर रहे हैं। एक मिनट... ऐसा मत कीजिए।... (व्यवधान)...

संसदीय कार्य दिवस में राज्य मंत्री
(श्री सीताराम केशरी) : ऐसा मत बोलिये
(व्यवधान)...

श्री कल्पनाथ राय : मैं एक मिनट
में खत्म करता हूँ आदरणीय
उपसभापति महोदय, इन शब्दों के साथ
मैं इस स्तिताव का समर्थन करता हूँ और
आपको धन्यवाद देता हूँ

SHRI NIRMAL CHATTERJEE:
Sir, this is not the way to discuss Bills
and pass them...? (Interruptions).
Can we proceed in this manner?—I
want to ask you very frankly. When
it was discussed in the Business Ad-
visory Committee, some of us in a
muted manner though, protested that
this one hour business is not a really
serious business.

MR. DEPUTY CHAIRMAN: That
is true, but anyway we have agreed.

SHRI NIRMAL CHATTERJEE: I
am just requesting you to consider
that when some fresh items involving
the entire country are coming up,
asking anybody to speak only for two
or three minutes is not proper...
(Interruptions) . . .

SHRI SITARAM KESRI: Mr.
Chatterjee, today you have deve-
loped something new. The other day
you said something else.

SHRI NIRMAL CHATTERJEE: Is
it consistent with the dignity of the
House? I am co-operating. I am
offering that I will not speak on the
next Bill. But is it all right? We
should function in a manner that such
things do not happen.

श्री सीताराम केशरी : मैंने आपसे
निवेदन किया है। अपनी ओर से बोलने
वालों का मैंने समय निश्चित किया है
चूँकि हमारे माननीय सदस्य भी बोलने
वाले हैं। इसलिए मेरा आपसे निवेदन
है कि जहाँ तक इन की ओर से बोलने
का प्रश्न है उस पर हम किसी तरह का
दखल नहीं देने हैं। मगर हमारे दल
की ओर से जिनको बोलने का मैंने

समय निश्चित किया है उसके अनुसार
(व्यवधान) आज आपको बड़ी हमदर्दी
है (व्यवधान)

SHRI NIRMAL CHATTERJEE:
With the permission of the Chair, the
point is not that you control your
speakers. We do not like that either
because it is the responsible House.
If there is any issue to be thrashed
out why should your party Mem-
bers also not speak? Many important
issues crop up.

श्री सीताराम केशरी : बहुत इम्पोर्टेंट
इश्यु है उसे अनुसार हमने सब का समय
लग दिया है कि इतना समय बोले।

SHRI NIRMAL CHATTERJEE: The
point is not whether we should be
partisan. The point is, we are debat-
ing certain things, discussing them for
the entire country. Important issues
are involved. If you say that our
people will not speak and if we say
that our people will not speak, what
is the use of this important House?
This is not what should be done. Just
a minute.

I do not know what the solution is
today. But I will urge upon the
Government that in future in planning
the session and the number of Bills to
be debated, they should take this into
account and fix the number of days
adequately.

SHRI SITARAM KESRI: Every
time it is taken.

SHRI NIRMAL CHATTERJEE:
Today we are making an offer that
we will not speak on the Bills to
satisfy your ego or conscience.

श्री सीताराम केशरी : नो नो, ईगो
की बात नहीं है।

SHRI NIRMAL CHATTERJEE:
This House becomes useless.

श्री सीताराम केशरी : मेरा आपसे
इतना ही निवेदन है कि आपका भी समय

[श्री सीताराम केसरी]

निर्धारित है और हमारे पास भी समय निर्धारित है। हम उस समय के अन्तर्गत अपने साथियों को समय देते हैं। जब समय निर्धारित करते हैं तो अस्सर होता यह है कि माननीय सदस्य अपने निर्धारित समय से बहुत ज्यादा समय ले लेते हैं जिसका नतीजा यह होता है कि हमारे दूसरे भाईयो को उससे मफर करना पड़ता है। इसलिए मैंने निवेदन किया है कि जहां तक डिबेट का प्रश्न है (व्यवधान) मेरी आपसे प्रार्थना है कि जो भी सब्जेक्ट जैसा हो उस के अनुसार हम सब लोगों को छान-बीन कर के बोलना चाहिए। (व्यवधान)

SHRI NIRMAL CHATTERJEE: I am raising an important point. On any subject, if there is an issue of substance people have to take time.

MR. DEPUTY CHAIRMAN: Please resume your seats. Since this is such an important matter, when we meet in the Business Advisory Committee, we should certainly discuss about the manner in which we have to proceed further in future.

श्री हुक्मदेव नारायण यादव (बिहार) : मेरा व्यवस्था का प्रश्न है। हम सदन चलाते हैं कार्य संचालन नियमावली से और कार्य मंजूना समिति में जब बैठते हैं तो दल के प्रतिनिधि बैठते हैं लेकिन जब हम सदन में चले आते हैं तो सदन किसी दल का प्रतिनिधि नहीं है। सदन में जितने सदस्य हैं वह सदन के सदस्य हैं, किसी पार्टी के सदस्य नहीं हैं। अगर आपको सभा का संचालन करना हो तो करिये, आप कार्यवाही का संचालन कीजिए। जब कल्पनाय राय जी ने आपको यह कहा कि यह क्या कर रहे हैं तो माननीय केसरी जी ने उसके कहा ऐसा मत बोलिये। जब आपने इनको बोलने के लिए कहा तो उन्होंने कहा कि बैठिये, बोलिये। (व्यवधान)

श्री सीताराम केसरी : मैंने इसलिए कहा कि यह अध्यक्ष के सम्मान के खिलाफ

पड़ता है। (व्यवधान) मैं नहीं कह रहा हूं बैठिये। (व्यवधान) मैं बैठने के लिए नहीं कह रहा हूँ। (व्यवधान)

श्री हुक्मदेव नारायण यादव : आप हम को कैसे बैठा देंगे? हम नहीं बैठेंगे।

श्री सीताराम केसरी : मैं बैठ नहीं रहा हूँ आपको (व्यवधान) सुनिये (व्यवधान)

श्री हुक्मदेव नारायण यादव : आपको छड़ी उनके ऊपर चनेगी लेकिन आपको छड़ी हुक्मदेव नारायण यादव पर नहीं चलने वाली है। (व्यवधान)

श्री महेंद्र मोहन मिश्र (बिहार) : उपसभापति महोदय.. (व्यवधान)

श्री हुक्मदेव नारायण यादव : आपको कौन-सा मंत्री बनना है (व्यवधान) इससे कुछ नहीं मिलने वाला है (व्यवधान) हमारा व्यवस्था का प्रश्न चेयर से है।

श्री सीता राम केसरी : मैंने यह कहा कि माननीय सदस्य को चेयर से इस तरह से नहीं बोलना चाहिए, इस तरह से चेयर से सम्बोधन नहीं होता है। मैंने अपने सदस्य को परामर्श दिया और हम अपने सदस्यों को क्या परामर्श देते हैं इसमें आपको... (व्यवधान)

श्री हुक्मदेव नारायण यादव : आप अपने सदस्य को हाउस में डांटेंगे तो हम नहीं डांटने देंगे।

श्री सीता राम केसरी : किसी को नहीं डांटते हैं... (व्यवधान) हम नहीं डांटते हैं, हुक्मदेव जी रहने दीजिए... (व्यवधान)

श्री हुक्मदेव नारायण यादव : यह संसदीय दल की मीटिंग नहीं है, यह सदन की मीटिंग है। हम अध्यक्ष के आदेश से बाहर भी चले जायेंगे लेकिन मंत्री का हुक्म इस हाउस में नहीं चलेगा; केसरी जी माफ कीजिएगा।

SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra): Mr. Deputy Chairman, Sir, please exercise your authority.

MR. DEPUTY CHAIRMAN: Please sit down.

SHRI R. RAMAKRISHNAN: Mr. Deputy-Chairman, Sir, perhaps arising out of this discussion, the House will do well to consider what is being adopted in the American Senate and the House of Representatives that the Member rises and says Mr. Deputy Chairman, Sir and then says I place this on record so that everybody in the whole world can go through what he has spoken. But unfortunately the Indian democracy is different. For a debate to be purposeful it requires a little bit of patience and restraint and it was agreed that we will sit late today to pass all the Government business and I hope you will have a little indulgence.

Coming to the point, the Wild Life of India represents a rich and grand heritage of which we are proud and which we have inherited and which has been there from the time immemorial. From the days of the Indus Valley Civilization, in the edicts of Ashoka, in the ruins of Pallavas and Mahabalipuram, Amravati in the Mughal and Rajput paintings, all these depict wild life in India and also speak of the necessities and the grandour of wild life of India. A vast and diverse country like ours with its different claims its many parts are ideally situated for the preservation of the wildlife. Whether it is the heights of the Himalayas or the swamps of the Sundarbans, whether it is the deserts of the Kutch or the highlands of Kerala, I think the flora and fauna are ideal and they promote an ideal habitat for different kinds of wild life. From over 1,001 species of mammals which traversed the length and breadth of the mankind, by 1600 A.D. nearly 358 kinds of mammals had become extinct. Ever since I think a few hundred more have gone out of the scene. It is,

therefore, absolutely necessary that we should take effective steps to protect these species. Therefore, I welcome this Bill and the Amending Bill which has been brought forward by the Government. But the reason why I have given a Motion for reference to the Select Committee is that even while the Wild Life Bill was passed in 1972, it was done after one and a half hour debate in the Lok Sabha and one-hour debate in the Rajya Sabha. At that time also some Members asked for a reference of this legislation to the Select Committee. Unfortunately at that time the Minister said already it was too late. Therefore, it was passed. But fourteen years have passed, the Wild Life Fund is there, the Indian Centre for Wild Life is also there, but we have had no occasion to review the working of this Act or to see what has been done.

In India, today the Bengal tiger, the Kashmir stag, the Rhino at the Kaziranga sanctuary and a few other mammals are becoming extinct. The Rhinoceros horn is so valuable for so many things that they are being hunted. Therefore, it is necessary that we should be given an opportunity to review the working of this Act.

I am very happy that the Prime Minister recently, when he took a holiday for himself in the Ramthambore sanctuary in Rajasthan near Jaipur, deemed it fit to see that the wild life is protected there.

On this occasion I would only like to say that apart from amending the Act which has been brought forward to protect certain scheduled categories of wild life whether for sale or for meat or whatever it is, it is absolutely necessary that the Government constantly monitors what is being done by the State Governments in this direction. For the Seventh Plan for the entire country for the wild life sanctuaries only Rs. 16 crores have been earmarked. For a State like Tamil Nadu we have got beautiful Vedanthangal Bird Sanctuary and

[Shri R. Ramakrishnan]

we have got a nature conservation scheme. Rarest birds are there. Now we have got the famous Archaeologist Mr. Salim Ali and he will know better about it when he comes. The State Government have asked for more funds from the Government. I request the hon. Minister to see that these funds are also allotted for the preservation of our Mudumalai sanctuary. Before I conclude, I want to tell the Minister that there are less than 11 Bengal Tigers. Therefore, it is absolutely necessary that steps should be taken to protect these also. The International Union for Conservation of Nature and Natural Resources has shown concern about the declining elephant population in Asia and particularly in India. I would request the Government to go also into this fact.

Finally, Sir, I request the Minister for Environment and Forests to have a talk with the Minister for Human Resource and Development and see that wild life protection is included in the syllabus for schools and colleges so that our students will get to know about the grandeur of our wild life. Thank you.

MR. DEPUTY CHAIRMAN: Mr. Vishvajit Prithvijit Singh.

SHRI VISHVAJIT PRITHVIJIT SINGH: Mr. Deputy Chairman, Sir...

श्री प्यारे लाल खंडेलवाल (महा प्रदेश) : आप सांस चढ़ा कर क्यों बोलते हैं ? ... (व्यवधान)

श्री विश्वन्ति पृथ्वी त त्रिह : यह मैं इसलिए चढ़ाता हूँ कि क्या पता इस सदन के बारे में कि वाइल्ड लाइफ कभी यहां भी आ जाए । ... (व्यवधान)

एक माननीय सदस्य : यह उनके लिए तैयारी कर रहे हैं ।

श्री विश्वन्ति पृथ्वी त्रिह : यहां केवल केसरी जी नहीं, मैं भी तैयार हूँ वाइल्ड लाइफ के लिए । ... (व्यवधान)

श्री प्यारेलाल खंडेलवाल : केसरी जी के लिए थोड़े ही कहा है...
(व्यवधान)

SHRI VISHVAJIT PRITHVIJIT SINGH: Mr. Deputy Chairman, Sir, I welcome this Bill brought forward by the hon. Minister. It is very important, because the Foundation of the illegal trade in wild life since times immemorial in this country is based on the 'Trimurti'.

[The Vice-Chairman (Shri R. Ramakrishnan) in the Chair]

The triangle of three objects—the musk—the tusk and the Rhino horns. These are the three things which people have been concentrating upon. All these three are used in the international market and they are greatly in demand, because of the fantastic prices. They have been all smuggled out of the country. Musk and Rhino horns were all in the schedule, but this left out the tusk. I am glad that ivory has been included in the schedule. Now, by virtue of this amendment, to that extent, I think it is a very good thing.

As far as schedule 5 goes, I have a little problem there, because when you are talking about Chapter 5, and the business of amending it to two months, I can understand the anxiety of the hon. Minister, the anxiety of the Government to stop this illegal trade. It is right that the trade is carrying on under an illegal guise showing as an internal trade which is actually being smuggled out. We want to stop that. By virtue of the provision of these two months you cannot stop it. I would like to warn the hon. Minister that every time when he brings in this legislation, he must be very careful to see that the legislation which comes before Parliament is rational, logical and stands the test of common law. We should not suffer on account of these very traders who go to court and get stay orders. Once they get stay orders from the court, they will carry on what they are doing over a period of

a long time. Therefore, I would request the hon. Minister, through you, Mr. Vice-Chairman, Sir, to see that this provision of two months is amended to six months. I know that this cannot be amended now, because the Bill is going to be passed. So let it be done through a Presidential Ordinance, then, we can settle it in Parliament later. I feel it should be a reasonable period of time so that they should not be able to go to court. Once they go to the court and get stay orders, we are going to be in trouble. This trade will go on and we will not be able to stop it. I would like the Minister to kindly see the ramifications of this problem (*Time bell ring*) I am just concluding in one minute.

I would like to make one more suggestion. We are talking about poaching and other things. I do not see any reason why we cannot have a task force consisting of ex-servicemen who are familiar with arms and ammunition, hunting and they are acquainted with the areas of wild life. I do not see any reason why we cannot have a large task force of ex-servicemen to see to the actual implementation of the Wild Life Protection Act. With these words and these two suggestions, I commend this Bill. Thank you.

SHRI D. B. CHANDRA GOWDA (Karnataka): Mr Vice-Chairman, Sir, it is a very happy coincidence that both the Bills, the Environment (Protection) Bill, 1986 and the Wild Life (Protection) Amendment Bill 1986 have come today, the last day of this session. Of course, the Wild Life Bill has a very limited scope, only to control the trade and commerce in wild life, particularly ivory, rhino horn and animal skins.

Now, I have got my own doubt about the amendment to section 44. This amendment controls section 43. Section 44 says: "...a manufacturer of or dealer in any animal article." and so on and so forth. But there is regulation on transfer of animals under section 43. I for one feel that this

amendment does not have an overriding effect on section 43. I do not want to go deep into the matter, as my time is very limited. I would only want a clarification from the hon. Minister.

Sir, on the 9th January, the World Wildlife Fund of India pleaded for saving Indian rhinos, particularly in the Kaziranga sanctuary, where 52 rhinos have been killed to smuggle out their horns. The row over the export of frog-legs must have been brought to the notice of the hon. Minister. Three thousand tonnes of frog-legs valued at a little more than Rs. 3 crores have been exported.

Now, particularly with reference to ivory it is confined to southern India. There are thousands and thousands of artisans who live by running cottage industries specially in ivory items. Now, if you restrict this, how will they live? Does the Government of India, by restricting this through this Bill, allow the State Governments to supply the raw material to keep them alive?

Secondly, unless you prevent poaching—of course, the law is there—this particular illicit trade cannot be controlled or contained. I feel that the Bill has come very late when there are no wild animals who can be poached or illicitly trapped to export the skin or ivory. Therefore, forest conservation is a "must". For wild-life protection, just this Bill is not enough. Something substantial has to be done. And the menace of poaching should be contained. Cruelty meted out to these animals be not associated with traders alone. Whoever is responsible for such cruelty should be brought to book. In what form, I leave it to you it being on the Concurrent List. Animals are going away from some of our sanctuaries. For example, from our famous Bandipur sanctuary in Karnataka elephants and other animals are going away for want of water because there is an acute drought situation. For want of water elephants are

[Shri D. B. Chandra Gowda].

being shifted from the sanctuary to other neighbouring sanctuaries. Though the Bill has a limited scope—I do realise that—I would still request the honourable Minister to see that this cottage industry, specially with reference to South India so far as ivory is concerned, so far as artisans are concerned, is saved and they should not suffer for want of raw material.

With these words I welcome the Bill and I congratulate the Minister on having brought this Bill, though belatedly.

श्री गुलाम रसूल कार (नाम-निर्देशित) : जनाब वाइस चैयरमैन, जहां तक जंगलात के जानवरों के मुतालिक बिल है, मैं इसकी ताइद करता हूँ। मैं दो-तीन अल्फाज में आनरेबिल मिनिस्टर इन्चार्ज से पूछना चाहता हूँ कि सन् 1972 में जब इस कानून को लागू किया गया, तो इसमें बाज़ाबता जो इस कारबार के साथ ताल्लुक रखते हैं लोग, उनसे अदादोशुमार लिए गए कि उनके पास खाम-माल कितना पड़ा हुआ है। कश्मीर के व्यापारियों के पास से भी खाम-माल के अदादोशुमार लिए गए। उन्होंने आज तक कुछ हिस्सा उसमें से बाहर भेज दिया और बाकी उनके पास पकड़े गए। अगर दो महीनों के अन्दर-अन्दर उन आइटमों को खतम करना है तो आनरेबिल मिनिस्टर इन्चार्ज से यह पूछना चाहता हूँ कि जो उनके पास माल पड़ा हुआ है, उस माल का क्या होगा? क्या गवर्नमेन्ट सरकारी लेदर कारपोरेशन या एस.टी.सी. खरीदने के लिए तैयार है? अगर खरीदने के लिए तैयार है, तो क्या उनका कोई नुमाइंदा या अन्य लेवल की कोई कमेटी इस पर तैनात की जाएगी, जो अशिया की कीमत मुक़रर करे?

दूसरी बात यह है कि बाहर से जो माल लाया जाता है, उस पर क्या कोई पाबन्दी होगी? राजस्थान पर यू.पी. की माइड पर आपने माल लाने की इजाजत दी और आपके महकमे ने इन्हे फायनेन्स को कुछ

रियायतें देने के लिए कहा और मेरा अपना अन्दाजा है, जो मज़ तक इतला आई है, उन इतलात के मुताबिक आप 10 करोड़ के करीब सबसिडी देने है, कस्टम ड्यूटी में माफी देते हैं। आपका डिपार्टमेंट क्या कश्मीर के लोगों को रिकमण्डेशन नहीं करता है फाइनेन्स डिपार्टमेंट को कि वहां 10 लाख तक की रिकमण्डेशन हो जाय, जो मुल्क के बाहर से माल लाते है, उनके लिए फाइनेन्स की और कस्टम की रियायत दी जाय, जैसे राजस्थान को दी है या यू.पी. में दी है या देश के अन्य प्रांतों में दी है? यह कश्मीर के लोगों को क्यों नहीं दी जाती है?

आपने यह फैसला किया था कि फिफथ प्लान में एक खरगोश फार्म कायम करेंगे कश्मीर में। बजाय कश्मीर के आपने वह हिमाचल प्रदेश में कायम किया। इसके साथ आपने फैसला किया था कि कश्मीर में एक सेंक्चुअरी कायम करेंगे। मुझे काफी सेंक्चुअरी फॉरेस्ट डिपार्टमेंट को देखने का मौका मिला, जैसे हैदराबाद की और दूसरी दर्जनों सेंक्चुअरी को मैंने देखा। अब कुछ ऐसे जानवर है, जिनका ताल्लुक सिर्फ कश्मीर की आबोहवा के साथ है, जिनको आप बाहर ताफ़फ़ुज नहीं दे सकते। मसलन, आम तौर पर बाकी स्टेट्स में काले रीछ मयस्सर है, लेकिन गोरे रीछ यानी रंगदार रीछ कश्मीर के अंदर अवलेबल है, ब्राऊन बीयर हैं। बाकी स्टेट्स में वह पैदा नहीं हो सकते, उनके बच्चे भी पैदा नहीं हो सकते। इसी तरह हमारे यहां कश्मीरी चोता दुनिया भर में मशहूर है, वहां यह चीजें हैं और कश्मीर की टूरिस्ट के लिहाज से काफी अहमियत है। आम खयाम के लिए और वाकफियत के लिए आप वहां एक सेंक्चुअरी कायम कर दें और उसके साथ एक खरगोश फार्म कायम कर दें। इस सन्नत के साथ और हरफत के साथ कश्मीर के लोगों का एक तबका पलता है।

5.00 P.M.

एक लाख के करीब कारीगर हैं जो चमड़े के कारोबार पर पलते हैं। आपने इन लोगों के लिये क्या मोचा है? या तो आप उन्हें मुआवजा दें जैसे सुनारों

को मुआवजा दिया। मैं मिनिस्टर साहब से गुजारिश करना चाहता हूँ कि आपको वक्त निकालना चाहिये। और काश्मीर के लोगों की मुश्किलों को समझना चाहिये। आपके डिपार्टमेंट के लोग ब्यूरोक्रेटिक तरीके पर इस मामले को निपटाना चाहते हैं। ब्यूरोक्रेटिक तरीके से यह मसला हल नहीं होगा। आप चाहे जितनी पाबंदियाँ लगायें, जब तक आप उनके लिये कोई काराबार मंजूरा नहीं करते, मसला हल नहीं होगा। उनके ऊपर कर्जें हैं। आपकी टीम गई थी उनका माल देखने के लिये। आप की टीम का रिकार्ड मरकज के दफ्तर में हुआ है। आप क्यों नहीं उनके लिये इलाज सोचते, उनका माल खरीदते और उस माल को एक्सपोर्ट करने की इजाजत देते? मैं आपसे गुजारिश करता हूँ कि आपको काश्मीर को बाकी स्टेट्स के लेबल पर लाना चाहिये। जैसे बाकी स्टेट्स की कस्टम ड्यूटी में रियायत दी है, वैसे ही काश्मीर की भी बाहर से माल मंगाने पर रियायत देनी चाहिये।

मैं आनरेबिल मिनिस्टर साहब को मुबारकवाद देता हूँ कि वे जंगलों के जानवरों की हिफाजत के लिये इस तरह का बिल लाये। मुल्क की खूबसूरती के लिये यह कानून लाना बहुत ही जरूरी था। कई किस्म की बीमारियाँ होती हैं जिनका जानवरों के रहने से इलाज हो सकता है। नैचर ने कई ऐसी चीजें पंदा की हैं, नैचर की चीजों को बनाये रखना हमारा फर्ज बन जाता है। इन्हीं अल्फाज के साथ मैं इस बिल की पुरजोर तारीफ करता हूँ।

[श्री غلام رسول کلار "نامزد":

جناب وائس چیمبرمین صاحب - جہاں تک جانکلات کے جانوروں کے متعلق بل کا سوال ہے میں اس کی تائید کرتا ہوں - میں دو تین الفاظ میں انریبل منسٹر انچارج سے پوچھنا چاہتا ہوں - کہ سنہ ۱۹۷۲ میں جب اس قانون کو کاگو کیا گیا تو اس میں باضابطہ جو اس کاروبار کے ساتھ تعلق رکھتے ہیں لوگ - ان سے اعداد و شمار لئے گئے۔ کہ ان کے پاس خام مال کتنا پڑا ہوا ہے۔ کشمیر کے بیوپاریوں کے پاس سے بھی نام مال کے اعداد و شمار لئے گئے۔ انہوں نے آج تک کچھ حصہ اس میں سے باہر بھیج دیا۔ اور باقی ان کے پاس پکڑے گئے۔ اگر دو مہینوں کے اندر اندر ان آئٹموں کو ختم کرتا ہے۔ تو انریبل منسٹر انچارج سے یہ پوچھنا چاہتا ہوں - کہ جو ان کے پاس مال پڑا ہوا ہے۔ اس مال کا کیا ہوگا۔ کیا گورنمنٹ سرکاری لیڈر کاپوریشن یا ایس۔ تی۔ سی۔ سی۔ خریدنے کے لئے تیار ہے۔ اگر خریدنے کے لئے تیار ہے۔ تو کیا ان کا کوئی نمائندہ یا انہی لیول کی کوئی کمیٹی اس

[شری فلام رسول کار]

پر تعذبات کی جانچگی - جو اشیاء کی قیمت مقرر کرے۔

دوسری بات یہ کہ باہر سے جو مال لایا جاتا ہے۔ اس پر کیا کوئی پابندی ہوگی۔ راجستھان پر ہو۔ پی۔ کی سائنڈ پر آپ نے مال لانے کی اجازت دی۔ اور آپ کے محکمے نے انہیں فائنڈنس کو کچھ رعایتیں دینے کے لئے کہا اور میرا اپنا اندازہ تک۔ اطلاع آئی ہے۔ ان اطلاعات کے مطابق اب دس کروڑ کے قریب سبسائیڈ دیتے ہیں۔ کسٹم ڈیوٹی میں معافی دیتے ہیں۔ آپ کا ڈیپارٹمنٹ کیا کشمیر کے لوگوں کو ریکولمڈیشن نہیں کرتا۔ فائنڈنس ڈیپارٹمنٹ کو کہ وہاں 10 لاکھ کی ریکولمڈیشن ہو جائے۔ جو ملک کے باہر سے مال لاتے ہیں۔ ان کے لئے فائنڈنس کی اور کسٹم کی رعایت دی جائے۔ جس سے راجستھان کو دی ہے یا ہو۔ پی۔ میں دی ہے۔ یا دیں گے انہی پرنتوں میں دی ہے۔ یا کشمیر کے لوگوں کو کیوں نہیں جاتی ہے۔

آپ نے یہ فیصلہ کیا تھا کہ افیتھ پلان میں ایک خرگوش فارم قائم کریں گے۔ کشمیر میں۔ بجائے کشمیر کے آپ نے وہ ہماچل پردیش میں قائم کیا۔ اس کے ساتھ آپ نے فیصلہ کیا تھا کہ کشمیر میں ایک سیلکچوری قائم کریں گے۔ مجھے کافی سیلکچوری فورسٹ ڈیپارٹمنٹ کو دیکھنے کا موقع ملا۔ جیسے حیدرآباد کی اور دوسری درجنوں سیلکچوری کو میں نے دیکھا۔ اب کچھ ایسے جانور ہیں۔ جن کا تعلق صرف کشمیر کی ابوہوا کے ساتھ ہے۔ چلکو آپ باہر تحفظ نہیں دے سکتے۔ مثلاً عام طور پر بائی اسٹیٹس میں کالے ریچھ میسر ہیں۔ لیکن گورے ریچھ یعلی و رنگدار ریچھ کشمیر کے اندر ایلوہل ہ ہ براون بیر ہیں۔ باقی اسٹیٹس میں وہ پیدا نہیں ہو سکتے۔ انکے بچے بھی پیدا نہیں ہو سکتے۔ اس طرح ہمارے یہاں کشمیری چیتا دنگھا بھر میں مشہور ہے۔ عام یہ چیزیں ہیں اور کشمیر کی ٹورسٹ کے لحاظ سے کافی اہمیت ہے۔

خہام کی واقفیت کے لئے آپ وہاں ایک سیلکچرری قائم کردیں۔ اور اس کے ساتھ ایک خرید و فروش فارم قائم کردیں۔ اس صنعت و حرفت کے ساتھ کشمیر کے لوگوں کا ایک طبقہ پلتا ہے۔

ایک لاکھ کاریگر ہیں جو چنوس کے کاروبار پر پلتے ہیں۔ آپ نے ان لوگوں کھلئے کہا سوچا ہے۔ یا تو آپ انہیں معارفہ دیں۔ جیسے سفاروں کو دیا۔ میں منسٹر صاحب سے گزارش کرنا چاہتا ہوں۔ کہ آپکو وقت نکالنا چاہئے کہ اور کشمیر کے لوگوں کی مشکلات کو سمجھنا چاہئے۔ آپکے تہہہارملت کے لوگ پھوروکریٹک طریقہ پر اس معاملہ کو سمجھنا چاہتے ہیں۔ پھوروکریٹک طریقہ سے یہ مسئلہ حل نہیں ہوا۔ آپ چاہے جتنی پابندیاں لگائیں۔ جب تک آپ انکے لئے کوئی کاروبار مہیا نہیں کرتے۔ مسئلہ حل نہیں ہوا۔ انکے اوپر قرضہ ہیں۔ آپکی قلم گئی تھی۔ انکے مال دیکھئے کھلئے۔ آپکی قلم کا رکارڈ مرکز کے دفاتر میں پڑا ہوا ہے۔

آپ کیوں نہیں انکے لئے علاج سوچتے۔ انکا مال خریدنے اور اس مال کو آپکے سپورٹ کرنے کی اجازت دیجئے۔ میں آپ سے گزارش کرتا ہوں کہ آپکو کشمیر کو بائی اسٹیشن کے لہول پر لانا چاہئے۔ جیسے باقی اسٹیشن کو کسٹم ڈیوٹی میں رعایت دی ہے۔ ویسے ہی کشمیر کو بھی باہر سے مال ملانے پر رعایت دینی چاہئے۔

میں انریبل منسٹر صاحب کو مبارکباد دیتا ہوں۔ کہ وہ جنگلات کے جانوروں کی حفاظت کھلئے اس طرح کا بل لائے۔ ملک کی خوبصورتی کھلئے یہ قانون لانا بہت ضروری تھا۔ کئی قسم کی بھاریاں ہوتی ہیں جنکا جانوروں کے رھنے سے علاج ہو سکتا ہے۔ نیچر نے کئی ایسی چیزیں پیدا کیں ہیں۔ نیچر کی چیزوں کو بنائے رکھنا ہمارا فرض بن جاتا ہے۔ انہی الفاظ کے ساتھ میں اس بل کی پرزور تائید کرتا ہوں۔]

SHRI PUTTAPAGA RADHAKRISHNA (Andhra Pradesh): Mr. Vice-Chairman, Sir, I stood up to support the Wild Life (Protection) Amendment Bill, 1986.

I think, no one in this august House will oppose this. But I want to enlighten on one or two points. At the outset, after the completion of 36 years of the enforcement of the Constitution, we have been trying to follow the directive envisaged in the Directive Principles of State Policy in the Constitution. The first Act was passed in 1972, that is, the principal Act. Today we are discussing an amendment to an Act which was enacted in 1972. After implementation or non-implementation of this Act for 14 years we are discussing an amendment to the principal Act, alleging that there is a loophole in the principal Act and they want to cover it. Sir, as a matter of fact, a simple enactment of the legislation will not do, but its enforcement is required and after a proper implementation will deliver the goods. Here, Sir, generally what happens is that whenever a law is passed, an enactment is legislated, the offenders will search for the loopholes and the enforcement machinery will also search for loopholes and the will abet the offence. The same thing is happening here. The Act was passed in 1972 and there was a loophole in that and therefore the offenders escape, and we have now come up to cover that loophole in this way. Anyhow, it is a very good thing that the Minister has come with this new legislation which has been welcomed by all sections of this august House. So I support this.

Sir, the Minister has spoken that National Parks, National Sanctuaries, etc. are being encouraged. No doubt, they are required. Every Member has been talking about it. It is required to be preserved for wild life. But at the same time we have to consider its side-effects also. When we take a drug, it definitely has some side-effects. In the same way, here

also, recently I have come across some Press reports. In Assam, the elephants are over-populated there and they are harming the farmers and local people. In the same way, there is a tiger project in my own district, Mahboobnagar, in Andhra Pradesh, in Munnatur range of forests. It is neither fenced nor is there any protection to human life there. That is why, the tigers are coming and there is loss of human beings and some pet animals also. I mean to say that for protecting and preserving wild life, we are endangering the security of human beings. That has to be considered by the hon. Minister.

Since it is inter-linked with wild life, I would like to point out about afforestation and the policy of Central Government about afforestation. Whenever a file comes to the Minister, viz., Mr. Z. R. Ansari or some other Minister, if it is for afforestation or preservation of forests, it is always okayed. Whenever there is a suggestion for deforestation, it is said that it is against the policy of the Government. In such cases, they must go by merit particularly when a project is involved. It is a problem in our State. There are a number of projects pending clearance from the Central Government because they go through the forests. Wherever it benefits the population and the people of the State, they must be a little bit liberal for deforestation also, especially when substantial land is given in lieu of deforestation. So, they must be liberal in their policy. They must not be conservative. In respect of conservation of forests, they should not be so conservative in regard to conservation. We are encouraging social forestry. When social forestry is being encouraged, you can be liberal in conservation. In respect of conservation of forests which will benefit the people in respect of projects and some other schemes. So, I request the hon. Minister to consider and make it a State subject. It is a local matter. The State will judge properly whether a

particular area has to be deforested or reserved for forests. The State will be in a better position to make a selection in regard to this afforestation policy. On this occasion, I will request the hon. Minister to consider it and take a decision on their afforestation policy. They should delegate powers to the State Governments to go in for conservation of forests or deforestation. (Interruption) Do you mean to say that the State Governments are irresponsible? They are equally responsible. They know the need of their people. It is not only the Central Government which has got wisdom. The States will be able to judge properly.

श्री प्यारेलाल खंडेलवाल : उपसभाध्यक्ष महोदय, वन्य जीव (संरक्षण) संशोधन विधेयक, 1986 का समर्थन करने के लिये खड़ा हुआ हूँ। 1972 के मूल कानून में संशोधन करने के लिये यह विधेयक ले कर सरकार आयी है। सरकार ने 14 वर्ष तक वन्य जीवों की रक्षा के लिये जितनी गंभीरता से विचार करना चाहिये था उतना नहीं किया। लेकिन मुझे खुशी है कि 14 वर्ष के बाद ही क्यों न हो, सरकार इस कानून को ले कर सदन के सम्मुख प्रस्तुत हुई है।

माननीय मंत्री जी ने ठीक ही किया कहा है कि अवैध शिकार और वन्य जीवों के, वस्तुओं के अवैध व्यापार के लिये, धन कमाने के लालच के कारण बहुत प्रकार के जंगल के जीवों की जातियां नष्ट होती जा रही हैं और लोग उन का अवैध शिकार करते हैं और अवैध वस्तुओं का व्यापार करते हैं और जो अवैध रूप से धन कमाते हैं उस के परिणामस्वरूप कई प्रकार के जंगली जीवों की जातियां समाप्त होती जा रही हैं और इस लिये इस विधेयक का मैं स्वागत करता हूँ। लेकिन इस के साथ साथ मैं दो तीन बातें मंत्री जी के ध्यान में लाना चाहता हूँ।

सरकार ने कई जगह राष्ट्रीय उद्यान, सैंकचुयरीज या संरक्षित वन, रिजर्व फोरेस्ट बनाये हैं। उसकी जरूरत भी है

परंतु उनकी व्यवस्था के कारण उन स्थानों में रहने वाले किसानों और मजदूरों के सामने जो कठिनाइयां उपस्थित होती हैं, उनका निदान करने के लिए भी सरकार को व्यवस्था करनी चाहिए। जहां पर जंगली पशुओं को पाला जाता है, सुरक्षित रखा जाता है, शिकार पर प्रतिबंध लगाने से धीरे-धीरे उनकी संख्या बढ़ रही है और प्रकृति के संतुलन के लिए यह जरूरी भी है, परन्तु वहां पर जो किसान रहते हैं, उनकी खड़ी फसल को नुकसान होता है, (जंगली सुअर या हिरण फसल को खा जाते हैं)। उसके लिए सरकार क्या व्यवस्था कर रही है?

दूसरी बात यह है कि जो जंगली शेर हैं, भालू हैं, वे किसानों पर हमला करते हैं। अभी कुछ दिन पहले प्रधान मंत्री जी का दौरा हुआ था मध्य प्रदेश के आदिवासी क्षेत्रों में, मैं भी वहां गया था शहडोल जिले के बांधवगढ़ नेशनल पार्क में। उसके बाद वहां के आदिवासियों ने मुझे जो कठिनाइयां बताईं मैंने उनके बारे में प्रधान मंत्री जी को लिखा है। वहां पर जंगली जानवरों को रोकने के लिए कोई व्यवस्था नहीं है। वे किसानों की खड़ी फसलों को नुकसान पहुंचाते हैं। भालू द्वारा घायल एक व्यक्ति को भी मैंने देखा। सबसे बड़ी कठिनाई यह है कि न वहां पर कोई दवा का इंतजाम है, नहीं कोई डाक्टर वहां पर है। बांधवगढ़ से रीवा कोई सौ मील पड़ता है। वहां भी कोई डाक्टर सहायता नहीं मिल पाती है। इसलिए जब सरकार जंगली पशुओं की सुरक्षा की बात करती है तो हमको उनके लिए भी इंतजाम करना चाहिए।

इसके साथ ही मैं यह भी कहना चाहता हूँ कि जंगली पशुओं की वस्तुओं का अवैध व्यापार लोग करते हैं किन्तु बड़े लोग तो कानून से बच जाते हैं, छोटे लोग पकड़े जाते हैं। सरकार को यह देखना चाहिए कि कानून से कोई न बच सके और वह सबके ऊपर समान रूप से लागू होना चाहिए।

एक बात मैं और कहना चाहता हूँ कि हिन्दुस्तान एक कृषि प्रधान देश है

[श्री प्यारेलाल खडेलवाल]

किन्तु हमारे यहाँ घीरे-घीरे बेलों और गायों की अवैध रूप से हत्या हो रही है। गोमांस बाहर भेजा जाता है। आज किसानों को अपनी खेती के लिए बेलों की जरूरत है और दूध के लिए गाय की जरूरत है पर दोनों चीजें खत्म होती जा रही हैं। मैं सरकार से निवेदन करूंगा कि इस संबंध में गंभीरता से वह विचार लें और गो-वंश हत्या रोकने के लिए कानून बनायें।

इन शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

श्री सुशील चन्द मोहन्ता (हरियाणा) : श्रीमान्, मैं सरकार को बधाई देता हूँ कि वह यह प्रमोडिंग बिल लाई है लेकिन मैं समझता हूँ कि इस ऐक्ट के मातहत व्यवस्था ऐसी नहीं है जिससे जो बोग इस विधेयक की अवहेलना करते हैं, उसको रोका जा सके, पकड़ा जा सके और उनको माफ़ूल सजा दी जा सके। आज तक कोई काम किया है इस डिपार्टमेंट ने। इस ऐक्ट के नीचे जिससे कि लोगों के लिए यह सबक बन सके। हिन्दुस्तान के जिन जानवरों की आहिस्ता-आहिस्ता बस्स खत्म होती जा रही है, उनको सुरक्षा, उनको पनपाने ताकि इकालाजिकल बैलेंस डिस्टर्ब न हो, इसके लिए उपाय करने निहायत जरूरी है। इस विधेयक का मकसद ऐसा है जिसकी हम तारीफ़ करते हैं। लेकिन इसके साथ ही ऐसी बर्शीनरी का आयोजन होना चाहिए जो इसको पूरी तरह से लागू कर सकें व जो मकसद इस बिल का है वह पूरा हो सके। सबसे पहली बात मैं आप से प्रार्थना करूंगा कि इसका शेड्यूल अगर आप देखेंगे, शेड्यूल 1, 2, 3, 4, और 5 से तो आप को हैरानी होगी। ये सारे शेड्यूल कुछ ऐसे लिखे हुए हैं कि एक आम आदमी समझ नहीं सकता है कि किस शेड्यूल के अन्दर कौन जानवर आयेगा। मंत्री महोदय आप ही बता दीजिए कि शेड्यूल एक में पहला नाम क्या आता है, इसका क्या मतलब है, दूसरे शेड्यूल में क्या है, तीसरे शेड्यूल में क्या है, चौथे शेड्यूल में क्या है? मैं समझता आपको

इसकी जानकारी नहीं होगी। इन नामों के लिए अगर यहाँ पर ब्रैक्ट्स में जहाँ पर लेटिन में या फ्रेंच में या शायद हिब्रू भाषा में नाम लिखे हुए ह हिंदी में भी लिखे होते तो मैं समझता हूँ बहुत उपयोगी होता। ये शेड्यूल जो आपने दिये हैं इन शेड्यूल को पढ़ कर समझ कुछ न आए तो मेरा कहने का मतलब है कि इन शेड्यूलों को देने से फायदा क्या है। इससे हमें कोई लक्ष्य प्राप्त नहीं हो सकता क्योंकि कोई समझ ही नहीं सकता कि इसके अन्दर कौन सा जानवर है, कौन सा नहीं है। कम से कम ब्रैक्ट्स के अन्दर अगर आप ठीक समझे तो हिन्दी में नाम लिखकर एक प्रमोडमेंट जरूर ले आइए। अगर हिन्दी में ब्रैक्ट्स के अन्दर नाम दिया जायेगा तो हर आदमी आसानी से उसे समझ सकेगा। जब तक इसको समझ नहीं सकेगा तब तक इसका पालन कैसे करेगा। मैं फिर इस बिल का समर्थन करता हूँ और उम्मीद करता हूँ कि इसका इम्प्लीमेंटेशन अच्छे ढंग से आप करेंगे, सुदृढ़ ढंग से करेंगे और जो एमीमल कम होते जा रहे हैं इसमें सुधार होगा और हमारे इकोलोजी का बैलेंस कायम रह सकेगा। इसी के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI DHARAM CHANDER PRA-SHANT (Jammu and Kashmir): I rise in support of this amending Bill which is very important in the sense that it puts curb on the sale of wild animals by poachers and smugglers in a clandestine manner. The number of wild animals, particularly in mountains is decreasing because of hunters who go there with their guns, whether licensed or unlicensed, and they kill the animals and sell them to the smugglers who take the skins and other derivatives to other parts of the country. In our State, Kishtwar is very famous for wild life. It is now becoming rare in that area. There is the musk deer and also the red-deer which are very important wild life animals. People have not heard of the red-deer because these are found at an altitude of 12000 ft. And these are now becoming rare because hunters have killed these animals for lure of money. Similarly, in Banihal area of

Jammu, there are musk deer which yield musk which sells in Arabian countries at a high cost. There are now only 200 or 300 musk deer left. Previously, their number used to be 500 to 600 or 800. I request the hon. Minister to establish a musk deer farm in Banihal to protect their life and to increase their number because musk is very rare and it is sold in foreign countries and there is great demand for it. Hunters kill musk deer just for the sake of 40,000 or 50,000 rupees whereas the musk deer yields musk in its lifetime valuing Rs. 8 lakhs. And in the countries where the laws are not so effective, the poachers take these animals and sell them there. These poachers become affluent people. In India, in our country, the Government have established sanctuaries for animals and birds. Therefore, to some extent, there is protection. But in the mountains, there is no protection. The hunters go to the mountains and kill the wild animals and birds.

The last point which I would like to mention is, in Jammu and Kashmir, there is a Wild Life Act. But this law is not effective. If smugglers and poachers bring the skins of wild animals and birds from other areas and sell the same in the State, there is no punishment for them, there is no effective punishment for them. I would request the hon. Minister to write to the State Government to enact a law on the pattern of the Central law or make the law applicable to that State. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI R. RAMAKRISHNAN): Now, the hon. Minister, Shri Z. R. Ansari, will reply to the debate.

SHRI Z. R. ANSARI: Sir, I am thankful to the hon. Members for giving unanimous support to the Bill. Sir, I have already said that this Bill has got a very limited scope. As far the suggestion for bringing forward comprehensive amendments is con-

cerned, these are being finalised and we will come before this House, at a future date, with these amendments. Sir, it was provided in the 1972 Act that traders in wild life and wild life derivatives can declare their stock and after declaring their stock can carry on their business. Now, what is happening is that the declared stock never exhausts and this is being used as a cover for indulging in clandestine trading. It is to deal with this that this Bill has been brought before the House. Sir, there was a time when people went for shikars and games, not for any profiteering purpose or for carrying on any business. It is because of this illicit trading, which I mentioned, that poaching is being carried on and this is resulting in a situation where there is the danger of extinction of many species of wild life. That is why, we have brought forward this Bill.

Now, I will deal with some points made by hon. Members. Hon. Member, Shri Kar, is not here. He was worried about the Jammu and Kashmir artisans. Jammu and Kashmir has got its own Act. The State is not covered by this Act. We have, of course, requested the Jammu and Kashmir Government in regard to the extension of application of this Act to that State. We are awaiting their reaction. Certain subsidy is being provided to the Jammu and Kashmir artisans but that is not within our jurisdiction. It is for the other Ministries to take care of, but in Jammu and Kashmir also, the fur dealers, who had declared their stock after the passage of that Act in 1972, are even now having that stock in tact, it is never exhausted and they are carrying on the business. This amendment is only to curb those activities and also to take care of wild animals like elephants. Actually, the population of elephants is not decreasing, it is rather increasing, but the population of tuskers is coming down which shows that the tuskers are being killed to take out ivory from them. The dealers are provided the facility to carry on the business.

[Shri Z. R. Ansari]

In the cover of the imported ivory they are mixing Indian ivory although the export of Indian ivory is banned. Therefore, we have not banned the carving and other activities of those artisans provided they get that ivory imported from other countries and export those ivory articles to other countries. But they have to take some licence so that they may not carry on with the business on the basis of our Indian ivory and our tusker population also may not come at the point of extinction.

* One hon. Member spoke of section 43 of the Act. We have not touched section 43 in this Bill. Section 43 talks of the persons who own things privately, who are not dealers. We are just curbing the activities of the dealers through this Bill. Any person having one or two articles for his own private use, he can have them; he can sell them to the other person but not as a dealer. So, we are just curbing the activities of the dealers.

SHRI M. A. BABY (Kerala): What about privately-owned tuskers?

SHRI Z. R. ANSARI: They can sell their ivory to other persons, they can own them also, there is nothing wrong in that.

The Vice-Chairman [Dr. Shrimati Sarojini Mahishi in the Chair].

Madam, some questions were raised about forest conservation. This august House is fully aware that till 1980, when this Forest Conservation Act was not in force, 4.5 million hectares of forest land was diverted to non-forest use within thirty years' time. That comes to 1 lakh 50 thousand hectares per year. This was the rate. After 1980 when this Forest Conservation Act was passed, this rate has come down much and has helped in the process of conservation of forests.

A point has been made about the time limit of two months. Time limit of two months is, because we are go-

ing to completely ban the trade in certain species of wild life and its derivatives and these two months are given to declare their stocks and to dispose of that stock within these two months. For that purpose, this time of two months is quite sufficient. If we give more time there is another risk that during that period of 6 months or a year there will be more poaching just to make a quick buck. Therefore, we just want to limit this time to two months only and not more. After two months, there will be complete ban on that trade and only the Central Government agencies like HHAC or Bharat Leather Corporation, shall be permitted to acquire those things from these dealers and sell them in the foreign market. This is the provision.

The Indian Board of Wild Life has appointed a Sub-Committee to consider the changes to the Schedule, because that is the only appropriate technical body which is competent to suggest those changes. That Sub-Committee will submit its recommendations to the Indian Board of Wild Life and that Board will suggest to the Government and the suggestions/recommendations of that body will be considered by the Government. I think I have covered all the points.

As regards the proposal of Mr. Ramakrishnan for referring this Bill to the Select Committee, I think, Madam, we have wasted lot of time since 1980. These are the two protection Bills on which the two Houses have unanimous opinion. One has already been passed by this august House and it was unanimously passed in the Lok Sabha also. A unanimous opinion of this House is there to pass this Bill also. Fortunately, these two Protection Bills would not consume much of our time. Another Protection Bill which was discussed a few days earlier wasted a lot of time on a very very insignificant matter and, therefore, we do not want to take that risk wasting that much of time

on these important affairs and give much time to those miscreants to take advantage of this time and carry on their clandestine business and spoil the wild life.

श्री सुरील चन्द मोहन्ता : शिड्यूल में जो नाम लिखे गये हैं वे तो समझ में ही नहीं आते हैं।

SHRI Z. R. ANSARI: We are taking steps to put those names in the Hindi language... (Interruptions)....

SHRI PUTTAPAGA RADHAKRISHNA: Madam, just one minute. A total ban is being imposed on the trading of wild animals or articles and derivatives thereof by this amendment. If an animal dies in the forest or it is killed by some other animal, what is the arrangement made in the Statute to make the best use of the valuable parts of that animal?

SHRI Z. R. ANSARI: It is for this purpose that the Government of India undertakings have been exempted and they can carry on business in such articles which are found there if they come through proper channel.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: Now there is an amendment by Mr. Ramakrishnan. Mr. Ramakrishnan, are you pressing it?

SHRI R. RAMAKRISHNAN: Madam, though I welcome this Bill, to enable fuller discussion and comprehensive review of the legislation there, I am pressing this amendment in principle.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: I shall now put Mr. Ramakrishnan's amendment to vote. The question is:

"That the Bill further to amend the Wild Life (Protection) Act, 1972, be referred to Select Committee of the Rajya Sabha consist-

ing of the following members, namely:—

1. Shri K. Mohanan
2. Shri R. Mohanarangam
3. Shri P. Babul Reddy
4. Shrimati Renuka Chowdhury
5. Shri Chitta Basu
6. Shri Sankar Prasad Mitra
7. Shri Ghulam Rasool Matto
8. Shri Jaswant Singh
9. Shrimati Amarjit Kaur
10. Shri Ramchandra Bharadwaj
11. Shri M. Kalyanasundaram
12. Shri S. W. Dhabe
13. Shri V. Gopalsamy
14. Shri B. V. Abdulla Koya
15. Shri R. Ramakrishnan

With instructions to report by the end of the next Session"

The motion was negatived.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: I shall now put the motion moved by the Minister, Shri Z. R. Ansari, to vote. The question is:

"That the Bill further to amend the Wild Life (Protection) Act, 1972, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

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

That the Bill be passed.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: Now we shall take up the Income-tax (Amendment) Bill, 1986.

SHRI P. N. SUKUL (Uttar Pradesh): Madam, just a minute. This morning, Mr. Gurudas Das Gupta, Hon. Member of this House, made a mention of a case in which he criticized and condemned the conduct of the State Finance Minister. The case pertained to the Union Bank of India and some officers belonging to the Union Bank of India. Since the Minister was not present at that time he could not reply. But he is here just now and I would request him, through you, to enlighten the House as to the actual facts of the case and also to explain his conduct, if possible. Thank you.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: I do not know whether the Minister has looked into it.

SHRI K. MOHANAN (Kerala): Madam, Mr. Gurudas Das Gupta had not mentioned any names. I do not know if Mr. Poojari is the man to whom he referred. If it is so it is good to get an explanation from the Minister.

THE VICE-CHAIRMAN [DR. (SHRIMATI) SAROJINI MAHISHI]: You have brought it to the notice of the Minister. That is all. We shall now proceed to the next item.

THE INCOME-TAX (AMENDMENT) BILL, 1986

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHAN POOJARI): Madam, I beg to move:

"That the Bill further to amend the Income-tax Act, 1961, as passed by the Lok Sabha, be taken into consideration."

This short Bill has been introduced primarily in pursuance of the announcement made in the Budget speech this year as also the Finance Minister's speech in the Lok Sabha on the 24th April, 1986 while moving the Government amendments to the Finance Bill, 1986. In the Budget speech a proposal to provide relief to self-employed persons or salary-earners in respect of medical expenses incurred by them had been announced. To implement this, it is proposed to insert a new section in the Income-tax Act providing for a deduction up to Rs. 3,000 in a year in aggregate, in respect of any sum paid as premium by an individual for insurance of his own health or health of his or her spouse or dependent parents and children. The benefit is provided also to a Hindu Undivided Family and an association of persons or body of individuals consisting of, in either case, only husband and wife governed by the system of community of property in force in the Union Territories of Dadra and Nagar Haveli and Goa, Daman and Diu in respect of premium paid for insurance on the health of any member of such family. Similarly, by introducing a new section in the Income-tax Act a deduction shall also be allowed to an employer in respect of premia paid by cheque for insurance on the health of the employees in accordance with an approved scheme.

As per the provisions of the Income-tax Act, deduction is allowed to a scheduled or a non-scheduled bank to the extent of 10 per cent of the pre-tax profit in respect of provision made by it for bad and doubtful debts or of an amount not exceeding 2 per cent of the aggregate average advances made by the rural branches, whichever is higher. It is proposed to amend the relevant section so that a deduction is allowed to all banks of an amount not exceeding 2 per cent aggregate average advances made by the rural branches together with a deduction of provisions for bad debts limited to 5 per cent of the