

up clause 3. There is one amendment by Shri Ashwani Kumar. He is not here.

Clause 3 was added to the Bill.

Clauses 4 to 31 were added to the Bill

First Schedule was added to the Bill.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Now, we take up the Second Schedule. There are two amendments by Shri Ashwani Kumar. He is not here.

Second Schedule was added to the Bill.

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

SHRI CHARANJIT CHANANA: Sir, I beg to move.

"That the Bill be passed."

The question was put and the motion was adopted.

I. STATUTORY RESOLUTION SEEKING DIS-APPROVAL OF THE FOREST (CONSERVATION) ORDINANCE, 1980

II. THE FOREST (CONSERVATION) BILL, 1980.

श्री पारेलाल खंडेलवाल (मध्य प्रदेश): श्रीमन्, मैं यह संकल्प प्रस्तुत करता हूँ कि यह सभा राष्ट्रपति द्वारा 25 अक्टूबर, 1980 को प्रख्यापित वन (संरक्षण) अध्यादेश, 1980 (1980 का सं० 17) का निरनुमोदन करती है।

उपसभाध्यक्ष जी, सबसे पहले तो मैं सरकार के इस अध्यादेश की मनोवृत्ति का विरोध करता हूँ। मैं ऐसा मानता हूँ कि इतने कम समय में जो इतने अध्यादेश लाये गये हैं

यह एक तरह से सदन का अवमूल्यन है। वन संरक्षण जैसे विषय पर सरकार का अध्यादेश लाना, मैं समझता हूँ कि यह सरकार की असफलता का सबसे बड़ा नमूना है। अनेक वर्षों से बात कही जा रही है, बड़े बड़े लोगों द्वारा, वैज्ञानिकों द्वारा कि जंगल बहुत तेजी से कटते जा रहे हैं इसलिये देश की आध-हवा के लिये जरूरी है कि जंगलों का संरक्षण जाये। लेकिन लगातार इतने मांग होने के बाद भी 25 अक्टूबर को सरकार की आंखें खुली और वह भी अध्यादेश के माध्यम से इस बात को लाने की कोशिश की गई। मैं यह पूछना चाहता हूँ कि अभी तक सरकार ने क्यों नहीं यह किया? यह इतना महत्वपूर्ण सवाल था, जंगलों का संरक्षण, फॉरेस्ट कंजरवेशन जो इतना महत्वपूर्ण सवाल है यह सरकार ने अभी तक क्यों नहीं किया? एक बात और, आखिरकार सरकार ने इसको अध्यादेश लाकर किया है तो इसके पीछे उसकी मंशा क्या है? उपसभाध्यक्ष जी, मैं यह कहना चाहता हूँ कि एक खतरा इस अध्यादेश के अन्दर है और जिसका विचार इस सदन को करना चाहिए। वह खतरा यह है कि इस अध्यादेश के माध्यम से, प्रदेश सरकारों के अधिकारों को कम करने की कोशिश की गई है। अभी तक वन संरक्षण का काम राज्य सरकारों का रहा है। इस अध्यादेश के माध्यम से जब कानून बन जायेगा तो तब यह काम केन्द्रीय सरकार अपने हाथ में ले लेगी। मैं समझता हूँ कि केन्द्रीय सरकार के पास इतना काम है कि वह अगर वही काम पूरा कर ले, केन्द्रीय सरकार द्वारा चलाये जाने वाले फार्मों को कृषि मंत्री जी या उनका डिपार्टमेंट ठीक ढंग से चला ले तो यह बहुत बड़ी बात है। लेकिन सारे हिन्दुस्तान के जंगल अपने अधिकार में लेकर, उसके संरक्षण का काम अपने अधिकार में लेकर क्या वनों का संरक्षण, फॉरेस्ट कंजरवेशन का काम सरकार कर पायेगी? मैं समझता हूँ कि यह सरकार के लिये बहुत कठिन है। इसलिये सोचना

तो यह चाहिए था कि प्रान्तीय सरकारें जंगलों का संरक्षण कैसे कर सकती हैं, कितने प्रभावी ढंग से कर सकती हैं, जंगल कटते कैसे हैं, कौन कटवाता है ? कई प्रांतों में आज भी जंगलों के काटने पर रोक है लेकिन मेरा यह कहना है कि बड़े बड़े ठेकेदार, बड़े बड़े अधिकारी राजनैतिक नेताओं के प्रभाव में आकर जंगल कटवा रहे हैं। मध्य प्रदेश में बड़ी भारी मात्रा में जंगल कटे हैं, बिहार में सिंहभूम जिले में सैकड़ों एकड़ जंगल काट दिये गये। ये जंगल किसने कटवाये ? मैं नहीं मानता कि साधारण आदमी जंगल काटता है। यह वास्तव में जो जंगल कटवाने या जंगलों को खत्म करने का काम है यह प्रभावी लोग करते हैं। दिल्ली में बैठे हुए लोग इन सारी बातों को रोक सकेंगे यह मैं नहीं मानता हूं। इस एक अध्यादेश या कानून से सारे देश के कटने वाले जंगलों को सरकार नहीं रोक सकती है, यह मुझे लगता है। इससे एक और खतरा पैदा हो जायेगा। जो गरीब तबका है, जो जंगल में रहते हैं, आदिवासी लोग, वे उजड़ जायेंगे, उनको बरबाद कर दिया जायेगा, उनकी खेती छीनी जायेगी, उनकी जमीन छीनी जायेगी और दूसरा खतरा तो इससे मौजूद है वह यह है कि प्रांतों के विकास का जो काम है वह रुक जायेगा। अब हर छोटी बात के लिये केन्द्रीय सरकार से अनुमति मांगी जायेगी, अगर तालाब बनाना है, सिंचाई की योजना बनानी है या कोई उद्योग लगाना है या छोटे-मोटे जरूरी विकास के काम जो इस क्षेत्र में करने हैं तो हर बात के लिये दिल्ली में आना पड़ेगा और ऐसी स्थिति में प्रदेशों के विकास के काम रुक जायेंगे। इसलिये मैं कहना चाहता हूं कि सरकार इन सारी बातों पर विचार करे और यह जो जंगलों के संरक्षण का काम है इसको प्रांतों की सरकारों के अधीन रहने देना चाहिए।

अन्त में मैं दो-तीन बातें इस सम्बन्ध में कहना चाहता हूं। इसके पहले कि मैं यह कहूं मैं यह कहना चाहता हूं कि सरकार को अभी यह पता भी नहीं है, कुछ दिन पहले इसी सदन में माननीय कृषि मंत्री ने एक जवाब दिया है। मैंने पूछा था कि तीन वर्षों के अन्दर सरकार यह बताये कि कितनी...

उपसभाध्यक्ष (डा० रफीक जकारिया): अब आप समाप्त कीजिये।

श्री भारे लाल खंडेलवाल : दो मिनट में समाप्त करता हूं।

भूमि वनों के लिये आरक्षित घोषित की गई है। सरकार के पास कोई जवाब नहीं था, उसका उत्तर यह आया कि इस बारे में जानकारी एकत्र की जा रही है। इसलिये मैं आखिर में अपने तीन सवाल रख कर मंत्री महोदय से चाहूंगा कि वे कृपया उनको स्पष्ट करें। पहली बात यह है कि जंगलों में बसे हुए आदिवासियों की खेती और रोजी नहीं छीनी जाएगी, इस बात का विश्वास होना चाहिए। दूसरी बात, बड़े ठेकेदारों और अधिकारियों की सांठ गांठ को रोकें, अवैध जंगलों की कटाई रोकी जाए, कानून तोड़ने वालों और जंगल काटने वालों को किसी प्रकार का राजनीतिक संरक्षण प्राप्त न हो। तीसरी बात यह है कि विकास कार्यों के लिए जैसे सिंचाई, सड़कें, तालाब और उद्योगों में किसी प्रकार की रुकावट न हो इन बातों को देखना चाहिए। इसलिए मेरा कहना यह है कि इन तीनों बातों को ध्यान में रख कर यह काम प्रदेश की सरकारों के अधिकार में रहना चाहिए, केन्द्र को इसे अपने अधिकार में नहीं रखना चाहिए।

THE MINISTER OF AGRICULTURE, RURAL RECONSTRUCTION AND IRRIGATION (RAO BIREN-DRA SINGH): Sir, I beg to move:

Sir, the intention of the Bill is not to take away the powers of the State. It is only to exercise a little vigilance, some sort of a check, over the State Governments so that the forests are not indiscriminately felled and the forest land is not brought into other uses so far as it can be avoided. The rights of the tribals would not be affected. The powers of the State Governments over their forests will remain with them. The Central Government is not going to take away any power which the State Governments now exercise in respect of their own lands. Forests are mostly owned by the States. Ninety-five per cent of our

forests are in the public sector, owned by the State Governments. The Central Government's only wants to have the authority to use the forests for the purposes required, is genuine development during the last 10 years. The Government felt that the forest lands were reducing.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Minister, will you be brief because the time allotted is rather limited? You will get another opportunity while replying.

RAO BIRENDRA SINGH: Right, Sir. I only wanted to inform the hon. Member that his fears are unfounded. We shall look after the interests of the tribals. We shall also see that the development works do not suffer. Wherever land is unavoidably required for irrigation or for construction of roads or other projects, there should be no difficulty in extending approval to the State Government's proposals. With these words, I hope the hon. Member will appreciate the Government's attitude towards our forest lands. We shall not let the forest lands be degraded. The current income from the forest lands will show the Government's intent to protect the forest lands. When the Government takes any action, it is taken after careful consideration. The Member's statement is not done anything in this respect so far is not valid. He asked, "Why did it not do anything?" The blame does not attach to us. It was during the last three years that nothing could be done, even after it was made a Concurrent subject. But immediately after this Government took over, at the initiative of the Prime Minister herself, we tried to bring this legislation as soon as possible; to see that there was no further degradation of forests, we had to promulgate the ordinance.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): There is one amendment by Shri Shiva Chandra Jha.

SHRI SHIVA CHANDRA JHA (Bihar): Sir, I move:

"That the Bill to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri S. W. Dhabe
2. Dr. M. M. S. Siddhu
3. Shri Dayanand Sahaya
4. Shri Harekrushna Mallick
5. Shri Harishankar Bhabhra
6. Shri Rameshwar Singh
7. Shri Satya Pal Malik
8. Shri Hukmdeo Narayan Yadav
9. Shri Yogendra Sharma
10. Shri Shiva Chandra Jha

with instructions to report by the first week of the next Session of the Rajya Sabha."

The questions were proposed.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The Statutory Resolution, the motion and the amendment are now open for discussion. Shri F. M. Khan.

SHRI NARASINGHA PRASAD NANDA (Orissa): Sir, the usual practice is that after the Minister moves the motion, the debate is initiated from this side. I am surprised that you are deviating from the usual procedure of the House.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): All right. Mr. Madhavan.

SHRI K. K. MADHAVAN (Kerala): Mr. Vice-Chairman, Sir, I am thankful that at last wisdom dawned upon you to call me.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Never mind. You proceed with the speech.
(Interruptions)

SHRI K. K. MADHAVAN: I do not withdraw it. I have not said anything unparliamentary.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I do not want to enter into any argument. So don't comment and proceed with your speech.

SHRI K. K. MADHAVAN: Yes, I am proceeding with it, but you are interrupting me and you are unnecessarily wasting my time. I think that much time will be extended.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I will give you one minute more.

SHRI K. K. MADHAVAN: I do want your charity. I am prepared to sit. I am not here on your charity. I have been here earlier than you came. (Interruptions) Sir, I take serious objection to this sort of thing.

The hon. Minister said that the Bill is a small one. Agreed that the Bill is a small one, but it is a very dangerous one. Even small things can be very dangerous because atom is also a dangerous thing. What about the Bill? It looks very innocent, but it takes away, it grabs away, the natural resources that are vested in the State Governments. Sir, Kerala is a State which has got enough forests. Kerala is a State which has got the largest number of rivers, big and small. Kerala has the natural potential which, if properly tapped and utilized, can achieve big things. Kerala has got enough potentiality of water resources which can generate power sufficient for the whole of South India, if only our hydel projects are properly founded, processed and commissioned. But what is the position? I may be permitted to read clause 2, sub-clause (2), lines 14 and 15 i.e. the last two lines.

[Shri K. K. Madhavan]

"That any forest land or any portion thereof..."

Not even a portion. Portion can mean a leaf also because a leaf is a part of the forest.

"...may be used for any non-forest purpose."

What is the meaning of this expression "non-forest"? Can the State Government not make a survey of the entire region, a particular region, if that is found to be necessary for the purpose of establishing, putting up, a hydel project? According to this Bill, Sir, the State Government has no powers even to step into an area where it wants to survey, have a preparatory survey a very innocent survey, of a project. So, if the surveyors or any State have to step into a place or a part of a forest to make an innocent survey, a very useful survey, which will be very valuable and an asset to the entire country, even that is prevented by sub-clause 2 of clause 2 of this Bill.

Sir, we have seen they are dashing through certain Bills which are draconian, which are anti-people. We have suffered from them. Not only that, for more than fourteen hours we were virtually kept as prisoners in this House, Sir. We could not sleep on the 22nd. We could not take food. I am speaking relevant things.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Let us talk on forests.

SHRI K. K. MADHAVAN: I am speaking about forests. (*Interruptions*)

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Order please.

SHRI K. K. MADHAVAN: This is the law of the forests. They are showing the law of the forests.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Your time is very limited, Mr. Madhavan.

SHRI K. K. MADHAVAN: I know.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Yes.

SHRI K. K. MADHAVAN: But your time is much less because you do not have the time at all. As a presiding officer you have no time at all.

I am very much surprised to see that certain reminiscence of the jungles are enacted here. A member of this House has not the freedom to speak. People begin to shout just like jackals. Jackals do it in jungles. Of course, when people think more in terms of the law of the jungle and speak in terms of the law of the jungle and talk the language of the jungle, one has to be afraid of, Sir. The atrocious, Draconian laws, we have passed. Now here comes another thing, apparently very innocent, but dangerous and disastrous to the States, disastrous to the autonomy of the States, disastrous to the federalism of this country. Bill after Bill is coming as if in a march of events to grab as much power from the States. Ultimately we will find one fine morning, not suddenly, but not in the far away future, that the Central Government is just like a leviathan who becomes more and more hungry. (*Interruptions*) You do not understand the meaning of that word. I am sorry, certain friends do not understand the meaning of the word that I said. The Central Government will become a big leviathan which will become more and more hungry the more it eats. That is the position.

I may be permitted to state the case of a project, Sir, one of the biggest projects that South India can ever dream of, as big as the Silent Valley Project. On the Silent Valley Project, the Kerala Government spent a few crores of rupees. We had the previous permission, not on record, but we were allowed to make the survey and to make the investment to the tune of crores of rupees. On a fine morning during the Emergency, soon after the amendment to the Concurrent List was passed, when we

were all sitting together, there was a paper calling for the Silent Valley Project to be shelved. It is more than about five years now. There is no mention of that. The hon. Minister was saying that he is interested in the preservation of forests. Who is not interested in the preservation of forests? I may be permitted to say that the States are more interested in the preservation of forests than the Central Government because the forests belong to the States. It is in our interest. Can you say that the States will be making suicidal attempts to destroy forests? On the other hand, there are big contractors, forest contractors, big smugglers in timber, big exporters, who are blessed by the people who are in power at the Centre. It is the agents of these people who are encouraging them to de-forest the area. Unfortunately, the Silent Valley Project is shelved on grounds of preservation of ecology. That argument is being put forth, is being financed by the vested interests who are interested in making money in timber-smuggling.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Thank you, Mr. Madhavan.

SHRI K. K. MADHAVAN: It is smuggler-oriented policy that shelved the Silent Valley Project. Not only that, we have got more than half a dozen projects. We cannot proceed with any of the projects. As you know, Kerala has got a fairly good quantity of electricity, but we are capable of generating much more. We are unfortunately fettered. We are prevented from proceeding with anything because...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Thank you, Mr. Madhavan.

SHRI K. K. MADHAVAN: ...of the so-called preservation of ecology. Unfortunately—it is a day of misfortune—apparently innocent laws are brought forth to cut at the root of federal democracy in this country. I oppose the Bill.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. F. M. Khan.

SHRI F. M. KHAN (Karnataka): Mr. Vice-Chairman, Sir, I welcome this Bill which was long overdue. We are in the right direction as far as this Bill is concerned. Now I would like to make a few small points.

SHRI NARASINGHA PRASAD NANDA: Sir, I must make it clear that it was Mr. Madhavan's personal opinion on the Bill.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Minister, I hope you have noted what Mr. Nanda said, that what Mr. Madhavan said is his personal opinion and does not represent the party opinion.

SHRI K. K. MADHAVAN: But I speak for my State, on behalf of the people of my State.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): But as the Whip of your party, he is entitled to point out that it is not the party's opinion.

SHRI K. K. MADHAVAN: I represent my State and I speak on behalf of my State.

SHRI F. M. KHAN: Sir, earlier there used to be panchayat forests throughout the country. Unfortunately that system has been given up and there is no forest available to the panchayats. So I feel that you should grow forests in the rural parts also. Planned forestry should be taken up on a scientific basis. There are a lot of new varieties which have come up. So I feel that these new varieties should be grown. There is a lot of vacant land. It also comes under agricultural land. Most of it is barren land. I feel that you should take up forestry on these lands also because there is a massive area which can be developed as forest area. As far as the wild life in our country is concerned, it has almost dwindled. A lot of poaching is there throughout the country. Even in the game sanctuaries it is there. A lot of the places are becoming the grazing

[Shri F. M. Khan]

ground for the villages around the area. I feel cattle should not be allowed in the game sanctuaries because that destroys the wild life. I would like to suggest that if you take up planting along the roadside, the tanks and the rivers which are there, a lot of nice forestry could be grown on a massive scale. That can be taken up immediately. As far as culture and tradition of the tribes are concerned, a lot of people there are worried, whether they will be allowed to stay there. Of course, you have already mentioned that you are taking care of those people and it is in their benefit. I welcome if some more facilities are given to these tribes who are there. Something like modern schools should be built in these forest areas for their children because they do forest work and unless they are looked after well, work in the forests cannot be taken.

Sir, I will not take more of your time. I think other Members have made the points. I thank you for the opportunity given to me. I welcome the move of the honourable Minister.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Mr. Hedge. I hope you will follow Mr. Khan.

SHRI RAMAKRISHNA HEGDE (Karnataka): Not necessarily; he is not my leader in this...

SHRI DINESH SINGH (Uttar Pradesh): May be, elsewhere.

SHRI RAMAKRISHNA HEGDE: Yes, elsewhere in a cricket team I may follow him...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Anyway, you proceed; otherwise, it will eat into your time.

SHRI RAMAKRISHNA HEGDE: Mr. Vice-Chairman. I rise to support this Bill. Perhaps after this Government came to office this is the first sensible piece of legislation that this Government has brought before Par-

liament. I quite agree with the honourable Minister that this measure was overdue and it has not come one day too soon. There was a time when poets sang about Mother India that Mother India is—

सुजलाम् सुफलाम् मलयज शतिलाम्
शस्य शामलाम्

what do we see today? That Mother India which was शस्यशतिलाम्

is it now? You go to any State; once upon a time, probably thirty years ago, twenty years ago, or even as recently as ten years ago, there were thick forests there were virgin forests, impregnable forests; but today we do not find even the sign of them there. Go to Assam, go to Madhya Pradesh, go to Orissa, go to Kerala, go to Karnataka; our forests are being denuded everyday; they are being destroyed. And we do not realise at what cost to the next generation. It is not just exploitation for industrial purposes. It is senseless exploitation, totally senseless. There are three enemies of forests; the contractors, the politicians and the forest department itself. And very often all these three combine together to destroy the forests for their own personal ends, for their selfish ends. If anybody thinks that forest department is there to conserve forests, I can give you several instances where the forest department itself is enemy No. 1 of the forests of our country. This measure is, therefore, welcome. But it goes only to some extent. I am all for federalism. But in this particular matter I do not agree with my friend, Mr. Madhavan...

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Thank God, he is not there.

RAO BIRENDRA SINGH: He has walked out in protest.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): I am glad he is not there...

SHRI SADASHIV BAGAITKAR (Maharashtra): You are being too harsh to him.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): Otherwise, he would have again taken away ten minutes of our precious time. We are already hard pressed for time.

SHRI RAMAKRISHNA HEGDE: Here there is no federalism. The only thing is that the Central Government should not come in the way at every stage of certain decisions taken by the State Government. Here, the most important clause of this Bill is clause 2 with its sub-clause (i) and (ii). It is good as far as it goes. It is a mere declaration that the reserved forests which are declared by the State Government as reserved forests should not be tampered with and the lands should not be used for any non-forest use. May I ask the hon. Minister who is very keen about this as to what would happen to the senseless exploitation and destruction of forests. The State Governments will merrily go on. As I told you, the enemies are the Forest Department, the contractors and the politicians. Forest has been a gold mine so far as these three categories are concerned. The Central Government will not have any power if exploitation or denudation of forests even in reserved forests goes on. What would he do, in spite of all his best intentions? Therefore, the scope of the Bill is too limited to really serve the main purpose which he and the Government have in mind. May I ask another question to him? What is the operative part of this measure? Suppose a State Government does not implement this, for instance, Kerala Government or West Bengal Government. I am giving an illustration, not that they are going to do it. In States ruled by your own Party, maybe you can use some other method. But there are certain States where some other Party may be in power. Suppose such a State Government does not agree with this and does not implement this. What are you going to do? Where is the operative part? Every Bill must have an operative part. This Bill lacks that operative part. As long as there is

no such provision, this Act will remain in the Statute Book, but it will not serve any purpose. If today there is an urgent need to nationalise anything, it is the forest and forest produce. It is not Maruti; it is not your Bird. It is the forest and the forest produce of our country that should be nationalised. Private trade or private exploitation must come to an end. All forests and forest produce must be the property of the State. There should not be any private sector in this. Otherwise, no Government will be able to prevent and check the smuggling that goes on day after day. Therefore, I would request the hon. Minister to give some serious thought to this. Why not start at least in your own State where your Party is in power. Private exploitation, private contractors and private contracts must cease.

Sir, my friend referred to the Silent Valley Project. But I have a different opinion on that.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): The time is very limited.

SHRI RAMAKRISHNA HEGDE: Let me complete this. After all, I am not opposing it. If I was opposing it, perhaps you would have some compulsion.

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): You were reacting to Mr. Madhavan all the time. That is why...

SHRI RAMAKRISHNA HEGDE: He referred to the Silent Valley Project. What the Government has done in regard to the Silent Valley Project so far is very sensible. We do not very often understand, that if we interfere too much with Nature, Nature cannot tolerate, I can give you several instances; for instance, the State from which you come, Sir—Maharashtra. Koyana project was constructed. As against the original height, finally the height was increased almost two times. And what is the effect today? Every second day

[Shri Ramakrishna Hegde]

there is a tremor, and the people in the neighbourhood, not only in the neighbourhood of the project but in the neighbouring State also, are living in mortal fear; any time there can be an earthquake. Similarly, if too much of interference is made in Kerala or Karnataka or anywhere in the name of construction of gigantic projects, whether it is irrigation or electricity, Nature cannot tolerate, Nature will not tolerate.

Sir, I am coming to my own State and to my own district. North Canara is known for rich forest. Nearly 78 per cent of the total area of the district is forest—or it was about twenty years back. But during the last ten years, forests are being exploited in such a merciless manner....

THE VICE-CHAIRMAN (DR. RAFIQ ZAKARIA): For the last ten years?

SHRI RAMAKRISHNA HEGDE: Yes, for the last ten years particularly. But today I doubt whether even 50 per cent of the area is forest there. Now they have taken up two big projects in my district. Bedle and Aghanashiri. There are two big projects already constructed. One is Shorwati at the South-end of my district and the other is Kali, which is also a gigantic project at the north-end of my district. Because of the construction of these two big reservoirs, thousands and thousands of acres of forest land, very valuable forest land, very rich forest land, have been submerged, and you do not see even a single tree anywhere around. Now they are taking up these two projects. Again it will result not only in further dwindling of the forest but also in imbalance, very gross imbalance, in the ecology of that area.

Sir, I would like to request the Hon'ble Minister to advise the Chief Minister of Karnataka not to proceed with these projects. I may also give notice that I am going there in the

second week of January, I am going to lead five thousand to ten thousand people to the works spot and I will prevent them.

Sir, lastly, this Bill, as I said, does not go far enough. There is a constructive side to this. The constructive side is that the afforestation programme should be on a massive scale. If the Government takes an afforestation programme, it will generate employment. You can have a land army. You don't get allergic to the 'Land army', because that was suggested by Dr. Ram Manohar Lohia—'Land army' in the sense that batches of young people from rural areas who can work, who can plant trees, which is very necessary if you really want to see again our country as the poet described: 'Sasyashyamala'. Thank you.

SHRI DINESH SINGH: Sir, it is not my intention to intervene in the debate. Although I whole-heartedly support the Bill, I would merely wish to ask two questions from the hon. Minister. You are aware, Sir, what havoc deforestation has caused in our country and what changes it has brought about in our ecology. You can directly link some of our floods and droughts to the cutting down of forests. The first question that I have in my mind is that on paper there are large areas which are still under forestation in revenue records. But on actual land, large numbers of trees have been cut down and, in fact, this land has been further reduced. Now that we have a satellite which is photographing the country, would the hon. Minister kindly have a photograph obtained of the actual land under forests and ensure that the land in revenue records that is under forests is again brought back and there is afforestation. Secondly, he was pleased to say that there would be no difficulty in giving land for roads, for irrigation projects and for other developmental work. May I ask the Minister whether it would be possible for him to give an assu-

rance that if any land is taken out of the quota of forest land, he will have a corresponding amount of land converted into forest land out of other lands? Thank you, Mr. Vice-Chairman.

[The Vice-Chairman, (Shri Dinesh Goswami) in the Chair]

SHRI R. RAMAKRISHNAN (Tamil Nadu): Mr. Vice-Chairman, Sir, I whole-heartedly support this Bill. It could not have come a minute sooner. But I think that this Bill touches only the tip of the iceberg. It is just a one or two-line Bill. In fact, the main clause is only dealing with the urgent necessity which perhaps the Agriculture Minister had in seeing that the State Governments do not further make any notification ceasing the reservation of forest land. Sir, you will be surprised to know that today, in the world, the tropical forests are being denuded at the rate of 30,000 hectares a minute. If it is so, in another 50 years' time, there will be no forests at all the world over. In our national forest policy, as everyone knows, it was the intention that there should be at least 33 per cent of the land in the country under forests, whereas today the fact is that hardly 22.8 per cent or about 74 hectares of land is under forests and out of this, the thick forests are only about 7 to 8 per cent. This is absolutely a very low figure and this will completely upset the ecological balance of the country, if this not stopped immediately. The need of the hour is not so much to see that further forests are not cut down, but actually there should be a massive investment of 20 or 50 crores of rupees made, as my friend, Mr. Ramakrishna Hegde also pointed out, in immediate afforestation. Therefore, it does not brook the delay of even one minute. It is unfortunate that our Vanamahotsava programme which was started by late lamented Shri K. M. Munshi who was our Forest Minister, is merely on paper. Only a few politicians both in the States and in the Centre come and observe this Vanamahotsava

week and then everything is forgotten about it. In fact, even our Prime Minister, the other day, when she was addressing the Central Board of Forestry observed that there was a Protection of Wild Elephant Act in Andhra Pradesh, but only the Act was preserved and not the wild, elephants. This Forest Conservation Bill should not become like that. I am sure that our Agriculture Minister will make keen effort. In this connection, I may point out to him that in his Ministry, I think he knows about it, there is a cell called Planning, Project Formulation, Resource Appraisal, Monitoring and Evaluation Cell, which is headed by an Additional Inspector General of Forests. I really do not know. There may be any Government. It may be the Congress (I) Government or it may be some other Government I do not know what the Cell has been doing all along.

4 P.M.

Sir, if you go through the paper cuttings and if you go through the reports of the various conferences held on the subject, you will find that everybody has been saying that the forests have been cut down, the contractors are playing havoc. And all this has been said day in and is own day out over a period of about 20 years. But what this wonderful Cell has been doing, I would like the Minister to just go into it and activate it. In fact, even the National Agricultural Commission in one of their recommendations at page 705 of their Report on Forestry had said that a National Forest Survey Organisation should be set up and that it should go into all these things. That was way back in 1973. Whether this has been done or whether the Minister is thinking of doing it, he may also let us know.

Sir, the question of this deforestation has become so much that in the Garhwal region, there is the famous Chipko movement—chop me not. And the slogan of the Chipko movement is, "What do the forests bear? Soil, water and pure air." Sir, soil,

[Shri R. Ramakrishnan]
water and pure air are the basis of our very existence. This is what the women who are heading this movement have been saying and this is the same thing which is being echoed by Richard St. Barber Baker, the famous 90 year old man, who is a man of trees. He has gone to Brazil all the way to save the Amazonian forests. Similarly, Sir, this forest thing should become a people's movement. Otherwise, it will become a really sad thing. Sir, there was a Swedish expert who visited India recently. I may tell the hon. Minister and he may be knowing about it. He is one Mr. Lars Karsgaard. He is Swedish expert who has said that the Indian forest resource is so much full of potential that the only sad thing is that it is not being monitored and done properly. I am sure, at least now that the Minister has woken up, after the Prime Minister has said that it is important, he will also observe the notings of Dr. M. S. Swaminathan of the Planning Commission, who has also made a thorough study of the subject.

Sir, one last thing I would like to say before I conclude is something which is very drastic. Sir, here they are bringing some amendment to the Indian Forest Act of 1927. In this, they say that the Forest Department officials should protect the forests from encroachment by people and about the vacant land, etc. There should be a provision in the Act to monitor about the activities of the Forest Department officials. There should be a vigilance cell set up to go into the assets and resources of the Forest Department officials. And you will be surprised to know, Sir, that next to the smugglers and black-marketeers, it is only the Forest Department officials who have become millionaires.

Finally, Sir, like in Switzerland, I strongly commend to the Minister that the Constitution should be amended to see that the area of the

forest land shall in no case be curtailed but increased at the Federal cost. This provision is there in the Swiss Constitution. I strongly commend it to the Minister and he should bring forward a Constitutional amendment in this regard.

I once again thank him for bringing this Bill. It was so important that he had to bring an Ordinance. It is really a correct thing to have been done and I strongly support him for doing this.

श्री जी० सत्यनारायण रेड्डी (आंध्र प्रदेश) : उपसभाध्यक्ष महोदय, मंत्री महोदय ने अपने भाषण में यह कहा कि हमारे देश में मौजूदा हालत यह हो गई है कि जो फारेस्ट एरिया पहले 33 फीसदी था वह अब सिर्फ 22 फीसदी रह गया है। हमें उसकी रक्षा करनी है। कोई भी कदम जो फारेस्ट की रक्षा के लिए उठाया जाएगा उसको हम वैलकम करते हैं, स्वागत करते हैं। यह बिल जो सदन में लाया गया है हम उम्मीद करते हैं कि इसके जरिए से मंत्री महोदय इस सिलसिले में जो भी खामियां देख रहे हैं उनको दूर करेंगे। हमारे देश में जो वन दिन-ब-दिन नष्ट होते जा रहे हैं उनको नष्ट होने से कैसे रोका जा सकता है, इसको मंत्री महोदय सदा अपने ध्यान में रखेंगे। आप जानते हैं कि देश की असली सम्पत्ति नदी, नाले वन और खेती है। यही देश की सम्पत्ति है। अगर इनको नष्ट किया जाता है तो देश नष्ट हो जाएगा। लेकिन अगर इनकी हिफाजत होगी तो देश की हिफाजत होगी। मैं चाहता हूँ कि आप वनों की रक्षा के लिए जल्दी से जल्दी ठोस कदम उठावें। अभी हालत यह है कि इस सिलसिले में जो पैसा सर्व किया जाता है उसका नतीजा कुछ भी नहीं निकलता है।

इसमें पहले हम देख चुके हैं कि करोड़ों लाखों रुपया वनोत्सव में, वन लगाने में खर्च किया जाता है अगर उसका नतीजा कुछ भी नहीं होता। आप देखिये कि जहां कभी भी वन महोत्सव हुआ होता है, वन लगाने के कार्यक्रम शुरू होता है वहां दो साल के बाद एक भी वृक्ष नहीं दिखाई देता है, आप इस चीज को देखें ताकि भविष्य में इस तरह से न हो। दूसरी चीज यह है कि यहां पर बहुत कहा गया है कि जो कांटेक्टर है, जो राजनीतिज्ञ है, जो फारेस्ट आफिशियल्स हैं उनका खास कर इस वन सम्पत्ति को नष्ट करने में सबसे बड़ा भाग रहा है। तो इसको खत्म करने के लिये, इसको रोकने के लिये क्या एकदामात मंत्री महोदय सरकार लेने वाली है, इसके बारे में वे सोचें। इस के साथ-साथ हम यह देखते हैं कि कई-कई जगहों पर ऐसा हुआ है कि जिन लोगों के पास जमीन नहीं है उनको फारेस्ट की जमीन बांट लेते हैं। बेघरबार जो लोग हैं, बेजमीन जो लोग हैं उनको खेती-बाड़ी करने के लिये आमतौर पर यह होता है कि उनको किसी न किसी फारेस्ट की जो जगह होती है उस पर उनको बसाया जाता है परन्तु इससे उनको कोई फायदा होता ही नहीं। वे उस फारेस्ट को काट देते हैं परन्तु उस जमीन पर उनको फिर खेती-बाड़ी भी नहीं करने देते। इसलिये मैं मंत्री महोदय से चाहूंगा कि जो बेघरबार हैं, जिनके पास खेती की जमीन नहीं है उनको फारेस्ट में बसाने के बजाय उनको ऐसी जमीन पर बसाया जाय जहां जंगल न हो ताकि वे वहां खेतीबाड़ी का काम कर सकें।

जो कांटेक्टर लोग हैं, जो राजनैतिक लोग हैं या जो दूसरे सरकारी लोग हैं, उनको किस तरह से रोका जाय इसके लिये मैं मंत्री महोदय को सुझाव देना

चाहता हूँ। फारेस्ट को कांटेक्टर के हवाले करने के बजाय सरकार उसको खुद अपने हाथ में लेकर इसका कार्य चलाये तो यह बहुत ही अच्छा होगा। कोई ऐसी मशीनरी तैयार कीजिये ताकि जो कांटेक्टर है उनके इस कार्य से जंगलों को बचाया जा सके। अगर सरकार इस सिलसिले में कोई मजबूत कदम उठाती है तो यह बहुत कारगर सिद्ध हो सकता है।

तीसरी चीज यह है कि इस बारे में जो स्टेट और केन्द्र के संबंध हैं, वे कैसे हो। हैगडे साहब ने अभी इस सवाल को उठाया था। केन्द्र सरकार और राज्य सरकारों के सम्बन्ध कैसे हों, इस सिलसिले में मुझे यह कहना है कि चाहे केन्द्र में कोई भी सरकार हो या राज्य में कोई भी सरकार हो, वे दोनों मिल कर इस बारे में काम करें। इसका मतलब यह नहीं है कि केन्द्र सारी चीजों को अपने हाथ में ले। केन्द्र को डराने या धमकाने का काम नहीं करना चाहिए। केन्द्र और राज्यों दोनों का यह फर्ज होना चाहिए कि जहां तक हो सके जो फारेस्ट की सम्पत्ति नष्ट हो रही है, उसको नष्ट होने से कैसे बचाया जाय। इस बारे में जितने भी एकदामात हो सकते हैं, उसके बारे में दोनों ही सोचें और उसके मुताबिक उसको अमल में लाने की कोशिश करें।

SHRI V. GOPALSAMY (Tamil Nadu): Mr. Vice-Chairman Sir, on behalf of the D.M.K. Party I rise to support this Bill wholeheartedly. Sir, the word 'forest' is derived from the Latin word 'foris' which means, outside. Forest is the treasure-house of our mankind. Man needs cradle at his birth and coffin at his death. So,

[Shri V. Gopalsamy]
timber is required for so many purposes, construction, ships, railways and for so many other purposes. But, at the same time if it goes beyond a limit, if the felling of the trees goes beyond a limit, that is too dangerous. You know the story of the swan lying the golden egg. It should not go beyond a limit. That will bring disastrous consequences. Just to avoid the ecological imbalance, this Bill has been brought forward.

Sir, in our history also we see that the Mohenjodaro and Harappa civilisation, according to historians, vanished due to clearing away of the forests and vegetation in order to build unduly huge granaries. Right from the time of the Ashoka to Akbar and in Tamil Nadu from the time of Raja Raja Chowla till the time of Rani Managamma the planting of trees was encouraged and felling of trees was discouraged. Sir, the destruction of forests went on a large scale in our country in the later part of the 18th century and the earlier part of the 19th century to bring about westernisation. Particularly during the two world wars, in order to build certain places. The Britishers destroyed the forests. At the same time, they did one good thing. In the year 1864, they appointed a German scientist called Brandt to formulate a scheduled method to manage the forests and so in the year 1865 the First Forest Act came into force and then we had the Forest commission in the year 1952.

Sir, the time at my disposal is short; but I want to make clear one point. Some apprehension was expressed about the encroachment upon State powers in this regard. Sir, I belong to a party which believes in the State's autonomy; that is our slogan. But at the same time I see the Central Government has sought the consent of the State Governments. I am very sorry to say that many of the States are not aware of

it or are not worried about it. Only a few States sent a reply. I got information from the library that States like Arunachal Pradesh, Assam, Gujarat, Haryana, Karnataka, Meghalaya, Mizoram and Rajasthan have sent their reply. The State of Tripura has disagreed. Andhra Pradesh and Uttar Pradesh agreed with some reservations. The rest of the States, except the State of West Bengal, did not send their reply. This could be construed as having their consent to the Bill as it was stated that "If no communication is received within one month of the receipt of the letter it may be assumed that they have consented." Three months have already elapsed. Even West Bengal asked only for time. So, the States are not at all worried. Therefore, we cannot blame the Centre. Not only that. Our hon. Minister allayed the fears that we are in any way encroaching upon the States' right. This is only what they say that prior approval of the Central Government is necessary for deforestation. So, the Central Government is not encroaching upon the States' right. It has been brought on to the Concurrent List. I do not want to go beyond that. I would only request the hon. Minister that now that we are going to form a committee, I think it would be proper if representatives of the States particularly Kerala, Karnataka, Tamil Nadu, are also included in that committee. Sir, we are very much interested. That is why. Mr. F. M. Khan has spoken on this Bill. Therefore the representatives of the States should also be included.

Then, Sir, tribals need not have any apprehensions about it because it was said that if they have any apprehensions, they can come to the Ministry and see the hon. Minister. Sir, the hon. Minister was the Chief Minister previously and now he is a Central Minister. He also knows the importance of the States and the role of the States in the case of forests. So, when the people have any grievances

in this regard, they can come to the Ministry. But, nowadays, the farmers or the agriculturists are not able to approach the Ministry at all. Freedom of movement itself is at a peril. That is why, yesterday. Mr. Narayanaswamy, President of the Tamil Nadu Agriculturists Association was prevented. Not only that, he was put behind the bars. National Security Ordinance was used... (Interruptions) He was about to move to Delhi to meet our hon. Prime Minister... (Interruptions)

SHRI U. R. KRISHNAN (Tamil Nadu): You have no guts to speak about that. We have been keeping quite all along. Why are you saying... (Interruptions)

SHRI V. GOPALSAMY: He was about to move when he was arrested. He was about to meet the Prime Minister, the President and the Home Minister... (Interruptions)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Nothing is going on record. I am on my legs. (Interruptions) Nothing is going on record. (Interruptions) Mr. Gopalsamy, nothing is going on record. (Interruptions) Simultaneously, all the three of you are speaking. Nothing is going on record. Why should you bring in a controversial issue on a non-controversial Bill like this? (Interruptions)

SHRI V. GOPALSAMY: The Minister of Agriculture is here. So many things are said here. Sir, you must understand my feelings. Mr. Vice-Chairman, Sir, I am very sorry. (Interruptions)

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Mr. Gopalsamy, you are aware that we are running against time. You have made your point. All the three of you have started speaking in such a manner that nothing has gone on record. You have made your point. I do not think, we should drag this matter further. Let us conclude the debate on this. You can take two minutes more.

SHRI V. GOPALSAMY: When people have got some grievances, they can come and meet the Minister.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): That is true. You have said it.

SHRI V. GOPALSAMY: When the tribals have got some grievances, they can come and meet the Minister. Similarly, when the farmers have got some grievances, they can come and meet the Minister. They cannot be prevented. This is what has been done in Tamil Nadu. Freedom of life is in peril. This is what I would like to record here. (Interruptions)

SHRI U. R. KRISHNAN: You did not speak a word when there was the agitation by the farmers in Maharashtra. (Interruptions) You voted for the NSO.

SHRI V. GOPALSAMY: We have clearly said it. When we spoke on the NSO, we have clearly said that this should not be misused. With folded hands, we... (Interruptions) Mr. M. G. R. is the Idi Amin of India

श्री प्यारेलाल खंडेलवाल : उप-सभाध्यक्ष महोदय, मेरा एक सवाल था, मेरा निरनुमोदन है मुझे एक मिनट के लिए बोलने दीजिए...

(Interruptions)

मैंने मूव किया था तो मुझे तो बोलना चाहिए । उपसभाध्यक्ष महोदय, माननीय मंत्री जी से एक सवाल मुझे और पूछना है, उसका स्पष्टीकरण हो जाना चाहिए । कई प्रांतों में आदिवासियों की एक बहुत बड़ी समस्या है । वह समस्या यह है कि वे पीढ़ी दर पीढ़ी से जंगल में रहते हुए खेती करते चले जा रहे हैं । मुझे मध्य प्रदेश का मालूम है सौ-सौ वर्ष से लोग खेती कर रहे हैं लेकिन सरकारी रिकार्ड पर वे अभी तक जंगल लिखे हुए हैं पर वे वहां पर खेती

कर रहे हैं, किसी कारण से वहां उनको बसाया गया था और वे खेती कर रहे हैं, उनका क्या होगा? क्योंकि वे हटाये जायेंगे, यह एक सवाल है। रिकार्ड पर वह फारेस्ट लैंड है और सही मायने में वहां पर खेती हो रही है और हजारों की संख्या में ऐसी समस्याएं लोगों की है।

दूसरा मेरा सवाल यह है कि ऐसे अनेक प्रदेश हैं जहां पर जंगल बहुत कम हैं क्या उन प्रदेशों में जंगल उगाने के लिए कोई विशेष योजना चालू की जायेगी और ऐसे प्रांतों में जहां पर जंगल बहुत कम है वहां इस तरह की व्यवस्था की जायेगी, यह दूसरा सवाल है।

तीसरी बात मैं यह पूछना चाहता हूं कि केन्द्रीय सरकार के पास कौन सी ऐसी मशीनरी होगी प्रांतीय सरकारों के अतिरिक्त जो जंगल संरक्षण, वन संरक्षण का कार्य करेगी।

RAO BIRENDRA SINGH: I am grateful to the hon. Member for the strong support they have extended to this very essential and beneficial measures. This shows the increasing awareness and awakening in the nation towards the need to maintain ecological balance, as has been reflected in the speeches of the representatives of the people in this House.

Some hon. Member have made very good point. It is a fact that this Bill has a very limited scope. We had to promulgate an Ordinance because, after the people came to know that the Central Government was going to bring forward a comprehensive Bill, we were afraid that overnight some States might dereserve certain areas; and, therefore, we issued an Ordinance. We are thinking of bringing forward a comprehensive Bill. I hope it will be possible in the

next Session of Parliament. This Bill will look after all the points that have been raised by hon. Members. Our immediate need is to see that whatever areas have been declared as forests—whether reserved or protected or any other class—are not dereserved for the time being.

Mr. Ramakrishna Hegde gave certain very useful suggestions. He has expressed concern over the dwindling forest areas in Kerala State as also in other States. It is very true that in Kerala the depredation has been on a very large scale. Sir, in the whole country 41 lakh hectares was deforested during the years 1951 to 1975-76. But even during the last two years, there has been a large scale depredation. In the year 1977-78, the total area that was taken out of forest use was 22,800 hectares. But within the next one year—that is in 1978-79—hon. Members can judge the administration that was responsible for it—the area dereserved was 41.129 hectares, double of the area that was dereserved in the previous year. In Kerala in 1974-75, 28,000 hectares of land were dereserved and after that, every year it has been around 5000 hectares which have been taken out of forest use. In Madhya Pradesh also, large areas have been deforested from year to year. This was the stage where the Central Government had to move in. We called a meeting of the Central Forestry Board. We consulted the States. We had drafted a comprehensive Bill, but some State Governments wanted time to consider it. The Bill was circulated to States. But it was thought necessary as, I said, at least as a small measure, to stop the damage immediately and that is why I have come with this Bill before the House.

Sir, some apprehensions have been voiced about the contractors and corrupt officials carrying on their activities which are very dangerous and have proved very damaging to the forests. We have already accepted the policy that in a time-

bound programme contractors will be eliminated altogether. It will be the responsibility of the State forest departments to manage their forests. I hope, that will satisfy the hon. Members.

Another apprehension voiced by Mr. Ramakrishna Hegde was, if a State Government does not agree with the decision of the Central Government, the latter have no powers enforce it. The decrees of Parliament can be very well enforced under our Constitution. If a State Government does not implement the decisions of the Central Government...

SHRI RAMAKRISHNA HEGDE: Short of dismissing the Government, what remedy have you?

RAO BIRENDRA SINGH: Well, certainly Parliament has powers. If we are coming to Parliament for the enactment of a particular measure, certainly the Central Government would exercise the powers and authority, through this Parliament, to see that a State Government does behave. Mr. Ramakrishna Hegde has mentioned two particular projects. He has suggested that for the time being the implementation of those projects should be stopped by the Central Government. We shall look into the matter. But I am very happy that he is so enthusiastic about conservation of our forest resources that he has even plans to agitate and to stop the work that might be done by the State Governments on those projects. I hope this eventuality will not arise.

Shri Dinesh Singh has made very good suggestions. We shall certainly try to see if our satellites could provide the necessary information as to how much forests in reality we still have. With regard to our degraded forest areas, we have several forestry schemes, we want to do afforestation work under the social forestry schemes trees will be plant-

ed on canal banks, on railway lands and along our roads. We have also schemes for fuel wood plantation because it is necessary that the large population, particularly in the forest and rural areas, have some alternative arrangement for the supply of fuel wood. With our schemes for the Sixth Plan we hope that this side also will be looked after properly. Another good suggestion from Mr. Dinesh Singh is that when approval is given by the Central Government for the de-reservation of forest land, the State Government should have the responsibility to bring an equal area of land under forests. That will be looked after in our comprehensive legislation that we are now preparing. I hope it should be possible because, even for our development purposes if forest land is utilised, the area of the forests can only increase or, at least, be maintained at the same level if alternative land is brought under afforestation.

Some other hon Members have made similar points, but I would not like to go into them in detail. Mr. Ramakrishna Hegde has also extended support. Mr. Reddy too. And my good friend, Mr. Khan has talked about wild life. For wild life our game sanctuaries are there, which are an essential part of the forest area. If the forests are well-maintained and if they are preserved, wild life also can prosper. We are trying to see if within or comprehensive Forest Bill we can also make certain provisions to give greater protection to our wild life. That suggestion also will be taken into consideration when we bring that Bill. With these observations, I request the House through you, Sir, to adopt this measure at least unanimously.

SHRI V. GOPALSAMY: Will you please consider to include the representatives of the States also in the proposed Advisory Committee, the Committee you are going to have?

RAO BIRENDRA SINGH: Yes, Mr. Gopalsamy talked about it. Sir, actually this power is being taken by the Central Government to ward off the danger of the State Government coming under certain pressures for de-reserving forest are for other purposes, and if we have the representatives of the State Governments concerned, it may not be possible for the Central Government to take decisions objectively. We shall have a committee of experts, officials, as our present thinking goes, and I do not think it will be right and proper to include the members of the States or to have non-officials who may be susceptible to certain pressures, political pressures particularly or the contractors pressure. So I am sorry I cannot accept that suggestion. I hope this Bill will be unanimously passed.

SHRI K. K. MADHAVAN: Sir, the Minister has been silent on the Silent Valley.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now I put the Resolution to vote.

The Question is:

"That this House disapproves the Forest (Conservation) Ordinance, 1980 (No. 17 of 1980), promulgated by the President on the 25th October, 1980."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now, I put the amendment of Shri Shiva Chandra Jha to vote. The Question is:

"That the Bill to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto, as passed by the Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following members, namely:—

1. Shri S. W. Dhabe
2. Dr. M. M. S. Siddhu

3. Shri Dayanand Sahaya
4. Shri Harekrushna Mallick
5. Shri Harishankar Bhabhra
6. Shri Rameshwar Singh
7. Shri Satya Pal Malik
8. Shri Hukmdeo Narayan Yadav
9. Shri Yogendra Sharma
10. Shri Shiva Chandra Jha

with instructions to report by the first week of the next Session of the Rajya Sabha."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now I put the motion moved by Rao Birendra Singh to vote. The question is:

"That the Bill to provide for the conservation of forests and for matters connected therewith or ancillary or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now we take up clause-by-clause consideration of the Bill. There are two amendments to clause 2 by Shri Lakhani Singh. Are you moving your amendments?

Clause 2—(Restriction on the de-reservation of forests or use of forest land for non-forest purpose).

श्री लाखन सिंह (उत्तर प्रदेश) :
श्रीमान्, मैं संशोधन प्रस्तुत करता हूँ कि :

1. "पृष्ठ 2 पर, पंक्ति 2 के पश्चात् निम्नलिखित अन्तःस्थापित किया जाये, अर्थात् :—

‘परन्तु अनुसूचित जनजाति के किसी भी निवासी को वन को कुछ भी क्षति, पहुंचाये बिना अपने श्रेय प्रयोजनों के

लिए सुखे काष्ठ को काटने और इस्तेमाल करने का अधिकार होगा । ”

2. “पृष्ठ 2 पर, पंक्ति 2 के पश्चात्, निम्नलिखित अन्तःस्थापित किया जाये, अर्थात्

‘परन्तु यह और भी कि यदि राज्य सरकार का अभिप्राय हो जाता है कि इन (आदिवासियों) भूमि को राष्ट्र की सेवा की आवासी (मानव आवास) के प्रयोजनार्थ आवश्यकता है तो वह राष्ट्रीय सरकार से वन (आरक्षित) के क्षेत्र में उसे अलग करने के लिए शिफारिश कर सकती और केन्द्रीय सरकार का अनुमोदन प्राप्त होने तक, राज्य सरकार उस भूमि को उस प्रयोजनार्थ पृथक् रख सकेगी । ’ ”

यह भेग बहुत मायु संशोधन है । मैं जिला नैनीताल का रहने वाला हूँ । मेरे जिले में दो जल-जार्ज समूह रहते हैं । मुझे जानकारी है कि सूखी, पड़ी-गिरी लकड़ी भी लान में उन बेचारों को कठिनाई होती है । इस एकट के वन जाने के बाद तो उन्हें बहुत परेशानी होगी । उनकी शंका दूर करने के लिए मेरा संशोधन बहुत उपयुक्त है । मैं मान्यवर, आप के भाव्यम से चाहता कि मंत्री जी मेरे संशोधन को स्वीकार कर लें ।

The questions were proposed.

RAO BIRENDRA SINGH: No, Sir.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): He is not in a position to accept the amendment.

The question is:

1 “That at page 1, after line 16, the following be inserted, namely:—

‘Provided that any Scheduled Tribe inhabitant of a forest shall

have the right to cut and use dry woods for his domestic purposes without damaging the forest whatsoever.’ ”

2. “That at page 1, after line 16, the following be inserted, namely:—

‘Provided further that if the State Government is satisfied that forest (Reserved) land is needed for the purpose of Abadi (human dwelling) of the people of the Nation it may recommend to the Central Government for taking that out from the area of the forest (Reserved), pending the approval of the Central Government, the State Government may set apart that land for that purpose.’ ”

The motions were negatived.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

“That clause 2 stands part of the Bill.”

The motion was adopted.

Clause 2 was added to the Bill.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now we take up clause 3. There are again two amendments by Shri Lakhman Singh.

Clause 3—(Constitution of Advisory Committee.)

श्री लाखन सिंह : श्रीमन्, मैं संशोधन प्रस्तुत करता हूँ कि :

3. “पृष्ठ 2 पर, पंक्ति 7 में, ‘जो’ शब्द के पश्चात् ‘वन में रह रहे आदिवासियों में से वास्तविक प्रतिनिधि सहित’ शब्द अन्तःस्थापित किये जायें । ”

4. “पृष्ठ 2 पर खंड 3 के स्थान पर निम्नलिखित प्रतिस्थापित किया जाए, अर्थात्:—

3. ‘केन्द्रीय सरकार, निम्नलिखित के बारे में सरकार को सलाह देने के लिए मंडल वन स्तर पर क्षेत्र के प्रमुखों विधान सभा

[श्री लाखन सिंह]

के सदस्यों, विधान परिषद के सदस्यों और संसद सदस्यों को मिला कर समितियों का गठन कर सकेगी—

(i) धारा 2 के अधीन अनुमोदन का दिया जाना

(ii) वन संरक्षण

(iii) आबादी के प्रयोजनार्थ वन (आरक्षित) से भूमि अलग किये जाने से सम्बन्धित कोई विषय ; और

(iv) सामाजिक वनोद्योग के वर्धन हेतु किसानों को दो सौ रुपये प्रति एकड़ की दर से प्रतिकार का उपबंध करने के लिए ।”

The question were proposed.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

3. “That at page 2, line 5, after the word ‘persons’ the words ‘including real representative from the tribal people living in the forest’ be inserted.”

4. “That at page 2, for clause 3, the following be substituted, namely:—

‘3. The Central Government may constitute Committees consisting of Pramukhs, MLAs, MLCs and MPs of the area at divisional forest level to advise the Government with regard to—

(i) the grant of approval under section 2;

(ii) conservation of forests;

(iii) any matter connected with taking out of land from (Reserved) for the purpose of Abadi; and

(iv) provide compensation to the farmers at the rate of rupees two hundred and fifty per acre to boost up social forestry.’”

The motions were negatived.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

“That clause 3 stand part of the Bill.”

The motion was adopted.

Clause 3 was added to the Bill.

Clauses 4 and 5 were added to the Bill.

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

RAO BIRENDRA SINGH: I beg to move:

“That the Bill be passed.”

The question was proposed.

SHRI HAREKRUSHNA MALLICK (Orissa): Sir, it is just a suggestion. I request the hon. Minister to consider one proposal. The real danger for our country is that we have no forests in vast belt of Central India. Whatever we have is in the north coast or the east coast, and it is undergoing denudation and acute deforestation. Another thing is that we are spending crores of rupees on ‘Manamahotsav’, and at the same time we are spending money for deforestation. Wherever there is a plant whether it is private or Government, the main work is to devastate it. The best example is that of the forest in the Koraput District, which was sacrificed for the rehabilitation of the Adivasis, and we are facing cyclones and all that.

As regards Rajasthan, in a vast part of the country the desert is growing everyday. I propose that we carry on plantation of Eucalyptus in north-west and south-west lines so that they will behave like low mountain ranges to obstruct monsoon, create some rainfall and also give

enough moisture to the vast land that is lying arid, where a drop of water means a grain of corn. I hope the hon. Minister will consider the proposal. To process this I demand that one Centre for Environmental Studies and Research in Rajasthan and one each in the eastern coast in Orissa and the western coast of Karnataka, should be established. I hope this will be considered.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Hon Minister, have you anything to say to the point raised?

RAO BIRENDRA SINGH: The suggestion of the hon. Member has been noted. But the limited scope of the Bill does not permit these things to be included in this measure.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): The question is:

"That the Bill be passed."

The motion was adopted.

STATEMENT BY MINISTER

Lathi-charge on Lawyers in Varanasi on the 20th December, 1980

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Next, there is a statement by the hon. Minister of State in the Ministry of Home Affairs on the lathi-charge on the lawyers at Varanasi on the 20th December, 1980. Mr. Makwana. Because of the shortage of time, may I request him to lay it on the Table of the House?

SOME HON. MEMBERS: Yes.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA): Sir, I beg to lay a statement regarding the lathi-charge on the lawyers in Varanasi on the 20th December, 1980, on the Table of the House. [Placed in the Library. See No. LT 1768/80.]

(I) STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1980

(II) THE PAYMENT OF BONUS (SECOND AMENDMENT) BILL, 1980

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): Now we take up the Statutory Resolution seeking disapproval of the Payment of Bonus (Amendment) Ordinance, 1980 and also the Payment of Bonus (Second Amendment) Bill, 1980. We are taking up both of them together.

SHRI SHIVA CHANDRA JHA (Bihar): Point of order.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): On this?

SHRI SHIVA CHANDRA JHA: Yes, Sir. मेरा प्वाइंट ऑफ ऑर्डर है। मान्यवर इस विधेयक को पायलट करने वाले जो मंत्री हैं उन्होंने जब हम लोगों ने क्लैरिफिकेशन मांगा था पालेकर एवार्ड के बारे में तो कहा था कि आखिरी दिन उस के बारे में क्लरिफिकेशन देगे। चूकि उन का ही यह विधेयक है इस लिये मैं आप से जानना चाहता हू कि या तो आप इस विधेयक के पहले या बाद में, कब उस के बारे में क्लैरिफिकेशन देना चाहते हैं।

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Mr. Vice-Chairman, Sir, yesterday I gave a letter to the Chairman asking me to permit me to seek certain clarifications from the Minister. The Minister is dealing with the subject. I request that we may be allowed to ask for certain clarifications before the Bill starts and she may give explanations.

THE VICE-CHAIRMAN (SHRI DINESH GOSWAMI): This is no point of order. I find that even now we have got totally six Bills to be passed and the Resolution of Mr. Era Sezhiyan. So I do not think