

(b) The details of funds allocated, sanctioned, released for the purpose in the State during the last three years are given below:—

(Rs. in lakhs)

Year	Amount allocated/ sanctioned	Amount released
1997-98	84.813	71.210
1998-99	172.780	125.530
1999-00	219.503	184.623
2000-01 (till date)	568.970	189.460

(c) A Project proposal on "Sustainable Development of Forests in Arunachal Pradesh" with a total outlay of Rs. 150 crores for a period of 5 years has been sent to World Bank through Department of Economic Affairs for external funding.

The Ministry of Environment and Forests has appointed a consultant in consultation with United Nations Development Programme and Food and Agriculture Organisation to formulate project concepts to secure external assistance. The consultant has formulated a Project Concept Paper "Arunachal Pradesh Forestry Development through People's Participation Project" and the same has been forwarded to the Government of Arunachal Pradesh for their comments.

In addition, an Authority under Environment Protection Act, 1986 has been created for protection and development of forests in Arunachal Pradesh.

#### **Restrictions on felling and movement of wood in Nagaland**

3638. SHRI C. APOK JAMIR: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) the provision of Law under which there are restrictions on felling and movement of wood from Nagaland, in the backdrop of Article 371A of the Constitution of India;

(b) whether, by restoring to present exercise in the Ministry, Government have effectively denied Constitutional guarantee to the

Nagas in the matter of land and its resources, by usurping the powers of the State legislature in the matter of rules and regulations to govern felling and movement of timber; and

(c) if so, the reasons therefor?

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI T.R. BAALU): (a) The felling of naturally grown trees from the forest land is regulated under the provisions of Section 2(iv) of the Forest (Conservation) Act, 1980. This Act extends to the whole of India except the State of Jammu and Kashmir.

As far as movement of timber/wood is concerned, it is usually regulated under the Transit Rules framed by the respective State Governments. But perturbed at the large-scale illegal felling of trees in the North-Eastern States, the Supreme Court has passed specific orders from time to time in WP No. 202/95, so as to regulate the Inter-State movement of only legal timber especially from the North-Eastern States.

(b) and (c) The Article 371A of the Constitution of India, especially the sub-section 1(a)(iv) *inter-alia* provides that no Act of Parliament in respect of ownership and transfer of land and its resources shall apply (in Nagaland) unless the Legislative Assembly of Nagaland, by a resolution so decides. Forest (Conservation) Act, 1980 does not interfere with the ownership. The Act only regulates the change in land use. However, on an earlier reference from the State Government of Nagaland, the Ministry has sought legal opinion on the matter i.e. whether the Forest (Conservation) Act, 1980 would be applicable to the State of Nagaland in the backdrop of the Article 371A of the Constitution of India. The Additional Solicitor General in his opinion dated 8.8.1998 has opined that the Forest (Conservation) Act, 1980 is applicable to the State of Nagaland because the Act in pith and substance is not directed at any peculiar nature of rights of ownership and transfer of land and its resources in the State of Nagaland. This legal opinion was communicated to the Nagaland Government on 15.9.1998.