

**The House reassembled at two of the clock,
MR. CHAIRMAN in the Chair**

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MR. CHAIRMAN: Hon. Members, now the Leader of the House, please.

...(Interruptions)...

श्री नरेश अग्रवाल: माननीय सभापति जी..

MR. CHAIRMAN: Please bear with me. आप बैठ जाइए।

श्री नरेश अग्रवाल: सर, हमारा नाम "नरेश गोयल" हो गया है।

MR. CHAIRMAN: Nareshji, please bear with me. Now the Leader of the House please. ...(Interruptions)...

श्री नरेश अग्रवाल: सर, मेरा एक प्वाइंट ऑफ ऑर्डर है। माननीय सभापति जी, मेरा प्वाइंट ऑफ ऑर्डर यह है कि..

श्री सभापति: आपका नाम आगे से एक प्वाइंट ऑफ ऑर्डर ही होगा। ...(व्यवधान)...

श्री नरेश अग्रवाल: कुछ भी बना दीजिए। ...(व्यवधान).... सर, पिछली बार भी सदन में यह बात उठी थी कि डिस्ट्रिक्ट लेवल पर एमपीज़ की जो कमेटीज़ बनायी जा रही हैं, तो यहाँ से, प्रशासन से लिख कर जा रहा है कि उनका अध्यक्ष लोक सभा का एमपी होगा। श्रीमन्, मैंने पिछली बार भी यह बात उठायी थी। उस समय के संसदीय कार्य मंत्री जी ने कहा था कि नहीं होंगे। एमएसएमई विभाग ने अभी यह जारी किया है। इसमें उन्होंने लिखा है-- श्रीमन्, मैं इसको एक मिनट में पढ़ देता हूँ।

MR. CHAIRMAN: We will discuss it in the Business Advisory Committee

meeting and come to a conclusion. ...(Interruptions)...

श्री नरेश अग्रवाल: नहीं, नहीं। उन्होंने लिख दिया कि District Level Advisory Committee under chairmanship of Member of Lok Sabha.

MR. CHAIRMAN: There is a way to resolve the issues. You have raised an issue. I am going to find a way out. For that, I will call the Parliamentary Affairs Minister; you will also be called.

श्री नरेश अग्रवाल: सर, पार्लियामेंटरी अफेयर्स मिनिस्टर कुछ नहीं करेंगे।

श्री सभापति: नहीं, नहीं।

श्री नरेश अग्रवाल: लीडर ऑफ दि हाउस..

श्री सभापति: लीडर ऑफ दि हाउस भी करेंगे।

श्री नरेश अग्रवाल: वे इसको करें, तो अच्छा रहेगा। ...(व्यवधान)...

MR. CHAIRMAN: Okay, please. Thank you. Now, the Leader of the House.

THE LEADER OF THE HOUSE (SHRI ARUN JAITLEY): Sir, the hon. Leader of the Opposition on several occasions last week had raised the issue of the hon. Prime Minister's speech during the recent elections to the Assemblies in Gujarat and Himachal Pradesh. Many statements had been made on all sides during the elections. We don't want the stalemate to continue as a result of this. Let me categorically state that the hon. Prime Minister in his statements or speeches did not question nor did he mean to question the commitment to this nation of either Dr. Manmohan Singh, the former Prime Minister, or Shri Hamid Ansari, the former Vice-President. Any such perception is completely

erroneous. We hold these leaders in high esteem as also their commitment to this nation. Thank you.

MR. CHAIRMAN: The Leader of the Opposition, please.

नेता विरोधी दल (श्री गुलाम नबी आज़ाद): मैं माननीय लीडर ऑफ दि हाउस का धन्यवाद करता हूँ कि जिस बात के कारण पिछले एक हफ्ते से गतिरोध सदन में बना रहा था, उसका उन्होंने स्पष्टीकरण किया। सर, मैं भी अपनी पार्टी की तरफ से यह विश्वास दिलाना चाहता हूँ कि हम भी नहीं चाहते हैं कि किसी भी नेता का और विपक्ष की तरफ से माननीय प्रधान मंत्री के व्यक्तित्व के खिलाफ कोई ऐसी बात कही जाये। अगर इलेक्शन के दौरान हमारी पार्टी के किसी सदस्य ने कोई ऐसा बयान दिया हो, जो प्रधान मंत्री की गरिमा के खिलाफ हो, तो हमारी पार्टी अपने आपको उस बयान के साथ disassociate करती है, उससे सम्बद्ध नहीं करती है और न ही करने की आगे कोई गुंजाइश है तथा न ही हम यह चाहेंगे कि प्रधान मंत्री की गरिमा के खिलाफ कोई शब्द कहा जाये।

(समाप्त)

قائد حزب اختلاف (جناب غلام نبی آزاد): می مارٹھے لٹڈر آف دی ہاؤس کا دھنڈاد کرتا ہوں کہ جس بات کی وجہ سے پچھلے ایک ہفتے سے گئی رودھ سدن می بنا رہا تھا، اس کا انہوں نے اسپشٹی کرن کئی سر، می بھی اپنی پارٹی کی طرف سے یے وشواس دلانا چاہتا ہوں کہ ہم بھی نہی چاہتے ہی کہ کسری بھی رتھا کا اور وپکش کی طرف سے مارٹھے پردھان منتری کے بطن کے خلاف کوئی امیری بات کی جائے۔ اگر الیکشن کے دوران ہماری پارٹی کے کسری سدسٹھے نے کوئی ایسا بطن دلی ہو، جو پردھان منتری کی گرہما کے خلاف ہو، تو ہماری پارٹی اپنے آپ کو اس بطن کے ساتھ disassociate کرتی ہے، اس سے سمبڈ نہی کرتی ہے اور نہ ہی کرنے کی آگے کوئی گنجائش ہے تتھا نہ ہی ہم یے چاہی گے کہ پردھان منتری کی گرہما کے خلاف کوئی شبد کہا جائے۔

(ختم شد)

MR. CHAIRMAN: Thank you very much. I thank all the Members of the House for their cooperation in resolving the issue.

श्री नरेश अग्रवाल: सर, क्या यह इन दोनों के बीच में ही हो जायेगा? ...(व्यवधान)...

श्री सभापति: नहीं, नहीं। इसलिए सबको मैंने कहा। ...(व्यवधान).... इसीलिए मैंने कहा । thank the entire House. Now, Dr. T. Subbarami Reddy on Statutory Resolution on the Indian Forest (Amendment) Bill, 2017. ...(Interruptions)...

श्री नरेश अग्रवाल: माननीय सभापति जी ...(व्यवधान)...

श्री सभापति: प्लीज़। मैंने सुना। ...(व्यवधान)...

श्री नरेश अग्रवाल: यह तो हम लोगों के अधिकारों का हनन है। ...(व्यवधान)...

श्री सभापति: नरेश जी, मैंने आपकी plea सुनी। ...(व्यवधान).... प्लीज़। ...(व्यवधान)...

श्री नरेश अग्रवाल: यह कैसे दो लोगों के बीच में ...(व्यवधान).... क्या सदन में सिर्फ ये ही हैं? ...(व्यवधान).... रूलिंग पार्टी और मेन अपोजिशन? ...(व्यवधान).... हम लोग कुछ नहीं हैं? ...(व्यवधान)...

श्री सभापति: ऐसा कुछ नहीं है। ...(व्यवधान)...

श्री नरेश अग्रवाल: हमारी आइडेंटिटी नहीं है? ...(व्यवधान)...

श्री सभापति: 'सदन' means all parties. We discussed this in the morning's Business Advisory Committee meeting. मैंने Business Advisory Committee meeting में सुना और सुनने के बाद तय किया। ...(Interruptions).... Dr. T. Subbarami Reddy. ...(Interruptions).... Every Member of the House is important. Every party is important and every Member is important. Let us not sidetrack the

issue. ...(Interruptions)... Dr. T. Subbarami Reddy, are you moving the Resolution or not? ...(Interruptions)... नरेश जी, बैठिए। ...(व्यवधान)... आप बैठिए। ...(व्यवधान)... पिछले कई दिनों से सदन नहीं चल रहा था। ...(व्यवधान)...

(Followed by SSS/1K)

SSS-VNK/2.05/1K

DR. T. SUBBARAMI REDDY: I am moving, Sir. ...(Interruptions)...

श्री सभापति : नरेश जी, बैठिए, प्लीज।...(व्यवधान)...

**RESOLUTION RE. DISAPPROVING THE INDIAN FOREST (AMENDMENT)
ORDINANCE, 2017**

AND

THE INDIAN FOREST (AMENDMENT) BILL, 2017

DR. T. SUBBARAMI REDDY (ANDHRA PRADESH): Sir, I thank you for giving me this opportunity. Sir, I move:

“That this House disapproves the Indian Forest (Amendment) Ordinance, 2017 (Ordinance No. 6 of 2017) promulgated by the President of India on 23rd November, 2017.”

Sir, I have moved the Statutory Resolution...

श्री सभापति : नरेश जी, बैठिए, प्लीज।...(व्यवधान)...

श्री नरेश अग्रवाल : माननीय चेयरमैन सर, हम बिल पास कराने चाहते हैं।...(व्यवधान)...

हमारा कोई ऐसा इरादा नहीं है।...(व्यवधान)...

लेकिन ऐसी परिपाटी न डालें कि ये दोनों जब चाहें, तब सदन चले या न चले।...(व्यवधान)...

MR. CHAIRMAN: I totally agree with you. That should be the practice in future.

श्री नरेश अग्रवाल : सर, ऐसा न हो कि ये दोनों के बीच में एग्रीमेंट हो जाए और(व्यवधान)...

श्री सभापति : मैं इससे सहमत हूँ कि सबके बीच में एग्रीमेंट होना चाहिए।...(व्यवधान)...

कृपया आप बैठ जाइए।...(व्यवधान)...

डा. टी. सुब्बारामी रेड्डी जी।...(व्यवधान)...

श्री भूपेन्द्र यादव : सर, मुझे एक मिनट का समय दिया जाए।...(व्यवधान)...

श्री सभापति : चूंकि बिल शुरू हो चुका है, इसलिए आप बाद में बोलिएगा।...(व्यवधान)...

DR. T. SUBBARAMI REDDY: Sir, as per the Constitution, under Article 123, only in extraordinary circumstances can Ordinance be promulgated. While the hon. President of India has reminded the Government several times that Ordinance shall be promulgated only in extraordinary and compelling circumstances, in the Indian Forest (Amendment) Bill, I don't find any extraordinary, urgent or emergent situation where we had to opt for an Ordinance route of legislation. I would like to know whether any contingency is existing in this Bill. Another important point is,...

MR. CHAIRMAN: You have to move the Statutory Resolution. Are you moving?

DR. T. SUBBARAMI REDDY: I have moved and I am also giving an explanation why I am moving.

MR. CHAIRMAN: Dr. Subbarami Reddy is always smiling. He is very smart.

DR. T. SUBBARAMI REDDY: I am not as senior as you are.

MR. CHAIRMAN: I agree that everybody is senior to me in this House, more than senior to me in this House.

DR. T. SUBBARAMI REDDY: Sir, when it was decided to convene Parliament on the 15th December, where was the urgency to have President's Ordinance on 25th November? Also, I would like to know about the Supreme Court judgment in Krishna Kumar versus the State of Bihar case. A seven-Member Bench of the Supreme Court has held that the Constitution does not permit the President or the Governor as a parallel law-making authority independent of the Legislature. So, what is the urgency? I would like to know about this.

Now, I would like to know about this Bill. As per Clause (7) of Section 2, definition of "tree" includes palms, bamboos, skumps, brush-wood and canes. Of course, this Forest Act, 1927 was brought by the Britishers and their purpose was different, namely, to levy charges on all these items. Now through this Amendment Bill, you are deleting the word "bamboos" from the definition of 'tree', which I agree because bamboo is basically a grass type of a plant. Sir, I would now like to inform the House that the UPA Government took an important step by classifying bamboos...

MR. CHAIRMAN: When we discuss the Bill, we will discuss this aspect also. Now, you have to move the Resolution, if you are moving.

DR. T. SUBBARAMI REDDY: I moved and I will also tell you...

MR. CHAIRMAN: When you get an opportunity, you speak. Dr. Harshvardhan to move the motion for consideration of the Indian Forest (Amendment) Bill, 2017, as passed by Lok Sabha.

THE MINISTER OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (DR. HARSH VARDHAN): Sir, I move:

“That the Bill further to amend the Indian Forest Act, 1927, as passed by Lok Sabha, be taken into consideration.”

Sir, I am sure that when Dr. Reddy will get into the details of everything and the history of why we are doing it and why I say that it is a long awaited Bill, he will be convinced that the Resolution that he has brought was not needed. Sir, I would say on record that this is one of the most important landmark initiatives of this Government and sometimes I feel so sorry that this Bill or this amendment had to wait for almost 90 years. The Indian Forest Act was made in 1927. It should have been done much earlier. This is only because of the visionary leadership of our hon. Prime Minister, Shri Narendra Modi, that we are doing it in 2017. This is one of the most important, major, historical reforms which was much needed.

(Contd by NBR/1L)

-SSS/NBR-NKR/1L/2.10.

DR. HARSH VARDHAN (CONTD.): Sir, I would say on record that this is one of the most important landmark initiatives of this Government. Sometimes, I feel so sorry that this amendment had to wait for almost 90 years! The Indian Forest Act was enacted in 1927. It should have been done much earlier. It is only because of the visionary leadership of our hon. Prime Minister, Shri Narendra Modiji, we are doing it in 2017.

This is one of the most important and major historical reform which is much needed. I would say that this will be a far-reaching reform in the area of forest and for all those who are relating, directly or indirectly, to the activities inside and outside forest.

To put it in the right perspective and give a brief idea of what it is, this amendment is going to help us in exempting bamboo grown in non-forest areas from the definition of 'tree.' Earlier, 'bamboo' was included under the definition 'tree', as per the Indian Forest Act, 1927. This amendment, in fact, helps us in dispensing with the requirement of felling or transit permit for its economic use. This is the crux of the proposed amendment. You would know that bamboo, taxonomically, is grass. But, as per the legal definition given under the 1927 Act, it is defined

under the category of 'tree.' As per Section 2(vii) of the Indian Forest Act, it comes under the definition of 'tree.' Also, under the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006, it is called as 'minor forest produce.' We have to appreciate that classification has, either legally, socially or taxonomically, to be uniform. This is the prime reason why we thought of bringing this small amendment.

If you go into history, bamboo has been recognized as an important source of natural wealth as early as 4th Century BC by Kautilya and it is also documented in the Arthshastra. It was popularly called as 'Green Gold' or 'Poor man's timber.' Recently, now, it has been elevated to the stature of the 'timber of the 21st century.'

Sir, the major objective of this amendment is to promote cultivation of bamboo in non-forest areas with twin objectives of improving the income of farmers. All of you will appreciate that this Government has a very ambitious plan of doubling the income of farmers by 2022. Then, of course, we all know, under the National Forest Policy, 1988, we aimed to increase the forest cover/green cover/tree cover up to 33-34 per cent. So, this is another objective of the Bill to increase the green cover of the country. There is a lot of activity going on inside the forest. But, we also have to work outside forest to supplement the efforts to be taken up inside the forest. I may assure this House, even after this amendment is

put into action, bamboo grown inside forest shall still be covered under the Indian Forest Act. I am clarifying this, because when we had discussion in the Lok Sabha, a lot of Members had this misapprehension. So, I thought, I must make it clear. Bamboo grown inside forest still remains covered under the provisions of the Indian Forest Act, 1927.

Let me enumerate some of the advantages why we are doing it and what is going to happen. Firstly, all legal and regulatory hardships being faced by farmers and private individuals in connection with bamboo cultivation will be removed. Secondly, it will also create a viable option for cultivation in 12.6 million hectares of cultivable wasteland.

(CONTD. BY USY/1M)

USY/1M/2.15

DR. HARSH VARDHAN (CONTD.): I emphasize on 'waste land'. Then, it will also go a long way in improving, as I said earlier, the agricultural income of farmers and tribals, more specifically in the North-East part of India and in the Central India. It will also encourage farmers and other individuals to take up plantation/ block plantation of suitable bamboo species on degraded land, in addition to plantation on agricultural land and also on private lands under the Agro Forestry Mission.

Then, I may also enumerate a few other benefits that it is going to enhance the supply of raw material to the traditional craftsmen of rural India. It will also help us in strengthening the bamboo-based paper and pulp industries, cottage industries, furniture-making units, incense-stick-making units, besides promoting bamboo applications, like, wood substitutes and composites, panels, flooring, furniture and bamboo-blinds. It will also help industries, such as those dealing in food products, like, bamboo shoot pickles; construction and housing, etc., etc. The list is quite big. Maybe, when I reply again...(Interruptions)...

MR. CHAIRMAN: Mr. Minister, you can clear the doubts, if any, in your reply. ...(Interruptions)...

DR. HARSH VARDHAN: It will greatly aid in the success of recently-constituted National Bamboo Mission, which is, I think, long-awaited, and we want to take it up in a very dynamic manner.

Sir, just to put two more facts for the knowledge of the hon. Members, I would like to tell that one tonne of bamboo has a potential to produce 250 man days of employment. And, 20 million people are already involved in bamboo-related activities. The estimated stock of bamboo, which grows in the forest area, is about 10.20 million tonnes. And, this enabling environment, which we are going to strengthen with the help of this amendment, shall help in creation of a lot more of job

opportunities to our people, more particularly for the poor people, the farmers, the tribals, etc., etc. It will also unleash a lot of potential of bamboo in terms of our rural and the national economy. Apart from this, I have to mention a couple of ecological benefits, like, it strengthens the soil moisture conservation issues, landslide prevention issues, and also the rehabilitation issues related to it. It also helps in conserving the wildlife habitat. It enhances the source of biomass. As you know, these days, through the biomass...(Interruptions)...

MR. CHAIRMAN: Harsh Vardhanji, you can cover other points while replying. ...(Interruptions)...

DR. HARSH VARDHAN: Sir, there is a lot more to cover at the time of replying. ...(Interruptions)...

MR. CHAIRMAN: The time given for this Bill is two hours. ...(Interruptions)...

DR. HARSH VARDHAN: Sir, if you allow me to put some facts before the hon. Members, I assure you they will be more convinced and they may perhaps pass it unanimously. ...(Interruptions)...

MR. CHAIRMAN: That's right. Please make it brief. ...(Interruptions)...

DR. HARSH VARDHAN: Sir, it also enhances the source of biomass, serving as a substitute for...(Interruptions).... I also want to emphasize one very important thing that the current demand of bamboo is estimated

to be 28 million tonnes. But, as per the latest report of the Indian Council of Forestry Research and Education, we have only half of it available in our country right now. India has only 19 per cent world's bamboo-cultivated area. Its market share in the sector is only 6 per cent. At present, India imports timber and allied products, such as, pulp, paper, furniture, bamboo sticks, *aggarbattis*, etc.

(Contd. by 1N — PK)

PK-MCM/1N/2.20

DR. HARSH VARDHAN (CONTD.): Sir, we are importing even these small things from countries like Vietnam. In 2015, India imported about 18.01 million cubic meters of timber and allied products, which was worth about Rs.43,000 crores. This is the figure which I want to underline. This amendment helps us in addressing some of these issues, besides meeting the demands of our domestic production. Then, as per the United Nations Industrial Development Organisation's report,.....

MR. CHAIRMAN: Harsh Vardhanji.

DR. HARSH VARDHAN: Sir, I am just concluding.

MR. CHAIRMAN: One minute. Just hear me. The total time given is two hours and all parties have to speak.

DR. HARSH VARDHAN: Sir, give me another two minutes.

MR. CHAIRMAN: You are interested to get the Bill passed. Aren't you?
So, please keep that in mind.

DR. HARSH VARDHAN: Sir, give me another two minutes.

MR. CHAIRMAN: Please conclude.

DR. HARSH VARDHAN: Sir, as per the United Nations Industrial Development Organisation's Report, -- there is one report which states about that -- bamboo business in the North-Eastern Region itself has a potential of Rs.5,000 crores in the next 10 years. This is what the UN Report says. It shall help in harnessing this great potential and also enhance the scope of increasing the present level of market share. It will also improve the economy of the entire country, especially in the North-Eastern Region. Then, Sir, one more thing I wish to bring to the knowledge of the hon. Members is the data about the imports and the exports. I would like all of you to just compare this. ..(Interruptions)....

SHRI RAJEEV SHUKLA: Sir, we are.....(Interruptions)..

DR. HARSH VARDHAN: Sir, in 2016-17, our import was almost Rs.213 crores and the export was just about Rs.32 lakhs.

DR. T. SUBBARAMI REDDY: Sir, why was there an urgency of Ordinance? ..(Interruptions)..

DR. HARSH VARDHAN: That is the difference, Sir. In 2016-17, our import was 27,524.6 thousand Kgs and the export was just about 27.30

thousand Kgs. So, Sir, in the light of all these basic facts and the very fact that this is going to, in fact, eliminate the hardships of the people who are, actually, involved in bamboo agriculture in some form or the other, whether in the forest or outside the forest, we need to remove all these hardships. There is a lot of bureaucracy involved. Since it is in the Concurrent List, some of the States have different laws. Within the neighbouring States also, there are different laws. People have to take permission from so many places. There is Inspector Raj and likewise, there are so many things which, actually, come into play. That is why there is not significant and good quality encouragement for people to grow bamboo outside the forest. With all these facts, if we objectively analyse this, I think what we need to do is this. I have always felt that this should have been done 90 years back. This country, unfortunately, had to wait for 90 years. I would request all the Members to have a very objective look at the whole issue. There is no politics about it. When I reply, I will tell you why this Ordinance.....(Interruptions)..

MR. CHAIRMAN: One question that was raised was why 'urgency' and 'Ordinance'.

DR. HARSH VARDHAN: I would request the hon. Members to kindly look at all these facts. I will put many more facts before you when I reply, if

you are keen to hear them. I am sure that the Members will be convinced.....

MR. CHAIRMAN: Dr. Harsh Vardhan, you have not heard me. Why was there an urgency to bring an Ordinance? That was the question raised. Do you want to reply now, or, at the end of the debate?

DR. HARSH VARDHAN: Sir, if you want, I can give it now. But you will have to give me enough time for that. ...(Interruptions)..

(Ends)

The question was proposed.

MR. CHAIRMAN: Okay. Hon. Members, the total time allotted is two hours. Now, I am calling Mr. Jairam Ramesh. Mr. Ramesh, your party has got 29 minutes and there are five speakers. Please keep that in mind and then proceed. Shri Jairam Ramesh.

SHRI JAIRAM RAMESH (KARNATAKA): Thank you, Mr. Chairman, Sir. Sir, this is my maiden speech after you became the Chairman. So, I hope you will give me a little more time. ..(Interruptions)..

Sir, I rise to oppose this Bill. I rise to oppose this Bill for four reasons.

(Contd. by PB/10)

SHRI JAIRAM RAMESH (CONTD.): Normally, I should rise to support the Bill. But there are four important reasons why this Bill should not be supported and I want to appeal to all Members of the House to please look at the real meaning of this Bill and not what the Minister has portrayed it to be.

Number one, the question that you have raised has not been answered. What is the urgency for taking out 'bamboo' as a tree and defining it as a grass? Heavens are not going to fall if you introduce the Bill and take some time. Why was an Ordinance issued for this Amendment? It is impossible to think that there was some exigency, there was some emergency unless there was pressure that was coming from some private industry to allow non-forest areas for bamboo cultivation. So, the first reason why this Bill should be opposed is because there is no rational reason why an Ordinance was issued.

Number two, the Minister has just said that this Bill applies to non-forest areas. Sir, I want the hon. Members to know that India produces 170 million tonnes of bamboo from forest areas and 10 million tonnes of bamboo from non-forest areas. These are not my numbers; these are not my figures. These are figures of the Forest Survey of India which comes under the Ministry of Environment, Forest and Climate Change. Ninety-four per cent of bamboo produced in India is from forest areas; six per

cent of bamboo is in non-forest areas. You are bringing a Bill basically to deal with the interests of the six per cent and you are forgetting the interests of the ninety-four per cent and this is the second reason why I want to oppose this Bill. This is not pro-tribal; this is not pro-poor; this is not pro-North East. Sixty-five per cent of bamboo in India is grown in the North-East. This is completely antithetical to the interests of the North-East, to the tribals and to the poor community. This will benefit only private industry, private paper mills, private wood factories, private companies which want to use wood as a substitute for plastic material. This is not going to benefit ninety-four per cent of that area from which we get bamboo today. So, this is the second reason. This 'non-forest areas' is a very small proportion. It is a bogey. And if the Minister is saying that he wants to increase the proportion of non-forest areas, it will be at the cost of the forest areas. It will be at the cost of ninety-four per cent and it will hurt the interests of the tribals in the North-East.

Sir, now I come to the third reason why I oppose this Bill. I was also the Minister for Environment. This issue came up in 2009 that the Forest Rights Act defines bamboo as a minor forest produce whereas the Indian Forest Act of 1927 defines bamboo as a tree and the Minister took great pride that after this Government has come, a revolutionary Bill has been brought forward. Nothing of that sort, Sir, because, as I said, first

of all, ninety-four per cent of bamboo is already classified as minor forest produce, and I would like the hon. Minister to know that if there is dispute on a fact where two laws are in conflict, it is an established practice — and there are distinguished lawyers here — that the law that is passed most recently by Parliament will be the law that will apply. The Forest Rights Act was passed in 2006. The Indian Forest Act was passed in 1927. So, obviously, it is the Forest Rights Act that is going to take precedence and priority over the Indian Forest Act. That is why I did not bring the Amendment to the Indian Forest Act and I allowed the Forest Rights Act to play and define bamboo as a minor forest produce. Sir, in April, 2011, the then Chief Minister of Maharashtra, Mr. Prithviraj Chavan, and I had gone to Gadchiroli District and this is very close to where my friend, Shri Praful Patel, comes from.

(Contd. by 1p/SKC)

SKC-GS/1P/2.30

SHRI JAIRAM RAMESH (contd.): There is a village called Mendha Lekha in Gadchiroli district; Mendha Lekha became the first village in India where the transit pass book for bamboo was transferred from the Forest Department to the Gram Sabha. The net result of this was that the income of the Gram Sabha of Mendha Lekha went up from fifteen lakhs of rupees to almost a crore. The Maharashtra Government doesn't like this!

The Ministry of Environment doesn't like this, because they want to preserve the monopoly of the Forest Department and they don't want the Gram Sabhas to be empowered. So, when we were in Mendha Lekha, the local Sarpanch, Devaji Tofa, who was a *Gond* tribal, gave a speech where he said, "दिल्ली, मुंबई में हमारी सरकार, मेंढा लेखा में हम ही सरकार।" That was the spirit of the Forest Rights Act. After Mendha Lekha, Jamguda in Kalahandi district became the second village in India where the transit pass book control for bamboo use, bamboo transport and bamboo cultivation was taken from the Forest Department and given to the Gram Sabha. Now, this is being reversed. On the one side, you are bringing an amendment to benefit private industry and, on the other side, you are not allowing in the forest areas the bamboo control to go to the Gram Sabha. You are taking away the control of the Gram Sabha and giving it to the Forest Department. This is hypocrisy, and this is the third reason why I don't want to support this Bill, because what you are doing is, you are encouraging non-forest areas and in forest areas, where the Gram Sabha should be in control, according to the Forest Rights Act, you are going back to the old system and giving control to the Forest Department. Sir, this is double standards, and this is not acceptable as far as I am concerned.

Sir, the fourth and final reason why I want to oppose this Bill is this: Last year, in this House and the other House, we passed the Compensatory Afforestation Management Authority Bill, the CAMPA Bill. Dr. Harsh Vardhan's predecessor was a very distinguished Member of this House. Unfortunately, he is not with us anymore. May his soul rest in peace. He was a good friend of mine. He made a solemn commitment in the House -- and you were also present -- that before the rules get promulgated, we would have wide consultations and we would ensure that in the process of formulating the rules we will not take away the rights of the Gram Sabha.

Sir, on July 28th, 2016, Shri Anil Madhav Dave made the following statement: "I have received some suggestions made by the Congress Party and others. If the expenditure is to be undertaken on the land covered by the Gram Sabha in areas which are covered under the Scheduled Tribes and other Traditional Forest Dwellers Act, 2006, the Rules would provide for necessary consultation with the Gram Sabha. The procedure for effective consultation in formulation of the projects and the expenditure to be undertaken would also be specified in the rules. A record of such consultations shall be maintained. हम सभी सुझावों पर पूरी गंभीरता से विचार करेंगे। हम उसके लिए नियमों के निर्धारण के पहले आवश्यक

बैठक भी करेंगे।” This is what Shri Anil Madhav Dave had said on 28th of July, 2016.

Sir, there has been no *baithak*! I have written repeatedly to the Leader of the House and to the Minister, but I have got no response. Finally, draft rules were promulgated and put on the website. I gave my comments, but there was no response. I was assured, when this Bill was passed, that Members would be called; we were not called. The net result of this is that CAMPA activities have already been initiated in State after State, willfully neglecting the opinion of the Gram Sabha, the consultation with the Gram Sabha.

Mr. Chairman, Sir, I know that you want me to finish; I would finish in two minutes.

So, in this case also what has happened is that you are trampling on the rights of the Gram Sabha, which are enshrined in the Forest Rights Act, and now you are coming down and saying that you are bringing a revolutionary amendment which would suddenly make all farmers take to agro forestry and become very rich!

(CONTD. BY

HK/1Q)

HK-HMS/1Q/2.35

SHRI JAIRAM RAMESH (CONTD.): I think this is misleading all of us. Therefore, Sir, I, with great reluctance, have to say that this Bill cannot be

supported. There is no urgency for the Ordinance. The bulk of the bamboo, 94 per cent of the bamboo, is in forest areas, not in non-forest areas. You are actually ignoring the forest areas; you are taking away what was given to the *Gram Sabha*. The revolutionary decision was not this amendment. The revolutionary decision was in 2011 in Menda Lekha; the revolutionary decision was in 2013 in Jabaguda in Kalahandi district, and you are taking that away and restoring the rights to the Forest Department. Finally, in so far as CAMPA is concerned, which is a very important source of financing the Forest Departments, you are willfully neglecting all the assurances that you have given to this House. So, Sir, because of these four reasons, I rise not to support this Bill and to appeal to the House not to give support to this Bill which is very misleading and which, in the long run, will work to the disadvantage of the tribals, particularly those of the North-Eastern States. Thank you.

(Ends)

MR. CHAIRMAN: Shri Meghraj Jain; the BJP has also got 29 minutes. You have one more speaker also. Keep that in mind.

श्री मेघराज जैन (मध्य प्रदेश) : सभापति महोदय, आपने मुझे बोलने का समय दिया, इस के लिए धन्यवाद।

भारतीय वन (संशोधन) विधेयक, 2017 के द्वारा वन के बांस से जुड़े किसी के भी अधिकार को खत्म नहीं किया गया है। इस विधेयक में केवल किसानों की

परेशानी को दूर करने और किसान अपने खेत में वन लगा सके, उसका प्रावधान किया गया है।

(MR. DEPUTY CHAIRMAN in the Chair)

SHRI JAIRAM RAMESH: Sir, welcome back.

MR. DEPUTY CHAIRMAN: I had not gone anywhere. That is why you got more time today. If I were there, I would have curtailed your time.

श्री मेघराज जैन : महोदय, आज स्थिति यह है कि वन क्षेत्र से बांस को लाने में काफी कठिनाई होती है और अगर उसे किसान अपने खेत में लगाता है तो उसे वन विभाग के अधिकारी प्रताड़ित करते हैं। उसे बांस को इधर से उधर ले जाने में तकलीफ होती है जबकि आज लोगों को बांस मिलता नहीं है। इस कारण इस से रोजगार पाने वाले लाखों लोग पीड़ित और प्रताड़ित हैं। महोदय, किसान को अपने हर काम के लिए बांस की आवश्यकता होती है। वह अपने खेत में बांस की बागड़ लगाता है।

महोदय, अंगूर, संतरे, आंवले जैसे वृक्षों को उगाने के लिए और उन्हें सहारा देने के लिए उसे बांस की आवश्यकता होती है, लेकिन किसान आज उस के लिए मोहताज और परेशान है। इसलिए आज आवश्यकता इस बात की है कि इस में किए जा रहे संशोधन के माध्यम से उन्हें सुविधा दी जाए। महोदय, बैलगाड़ी बनाने में बांस की आवश्यकता होती है, गांवों में घर के कच्चे मकान बांस और मिट्टी लगाकर बनाए जाते हैं, कवेलू वाले खपरैल बनाने में बांस की आवश्यकता होती है, मचान बनाने के लिए बांस की आवश्यकता होती है, मेलों में भी बांस की आवश्यकता होती है और संतों के यहां बड़े-बड़े द्वार बांस से बनाए जाते हैं, वहां लगाए जाने वाले टैंटों

में बांस की आवश्यकता होती है। इस में काम करने वाले लोगों को मजदूरी मिलती है और ऐसे अनेक काम बांस से होते हैं। नाविक अपनी नाव बनाने के लिए बांस का उपयोग करता है और बांस से ही उसे खेता भी है।

महोदय, चूंकि आज बांस का मिलना मुश्किल हो रहा है और उस का स्थान लोहा ले रहा है, इस कारण मजदूरों को मिलने वाला काम बंद हो गया है। अगरबत्ती बनाने के लिए बांस की आपूर्ति न हो पाने से अगरबत्ती उद्योग प्रभावित हो रहा है। बच्चों को पसंद कुल्फी के लिए काड़ी बनाने में भी बांस का उपयोग होता है, लेकिन वह उद्योग भी बांस न मिलने से समाप्त हो रहा है। इस तरह यह स्पष्ट है कि बांस के माध्यम से लोगों को व्यवसाय मिलता है, किसान की आमदनी बढ़ाने में, पर्यावरण में सुधार और जमीन के कटाव को रोकने हेतु बांस बहुत उपयोगी है।

वर्तमान में वन कानून के कारण वन अधिकारी किसान व बांस का उपयोग करने वालों पर कार्यवाही करते हैं और उनके ऊपर अनेक प्रकार के अपराध पंजीबद्ध करते हैं। इस से किसान परेशान है। कागज बनाने में बांस का उपयोग होता है और इस कारण आज जंगलों से बांस समाप्त हो गया है।

(1 आर/एएससी पर जारी)

ASC-KSK/2.40/1R

श्री मेघराज जैन (क्रमागत) : जंगलों का बांस समाप्त हो गया है, अब पेड़ों की बारी आई है। पेड़ों की कटाई करके कागज बनाया जा रहा है। अगर किसान बांस लगाने लगेगा, तो पेड़ों की कटाई बचेगी। बांस से अच्छी और टिकाऊ प्लाइवुड बनती है। यह बांस की प्लाइवुड बाकी प्लाइवुड से ज्यादा टिकाऊ होती है। इससे लोगों को नया रोजगार मिलेगा। जैसा कि अभी कहा गया है कि यह जोड़ लगाने के लिए

बनाया गया है, तो यह जोड़ लगाने के लिए नए-नए कार्य करने पड़ते हैं। अगर किसान बांस लगाएगा और उसको उद्योगपति खरीदेगा, तो वह किसान को पैसा देगा, जिससे उसकी आमदनी बढ़ेगी। किसान की आमदनी दोगुनी कैसे होगी? जब अनाज के दाम बढ़ते हैं, तो सब लोग विरोध करते हैं कि अनाज के दाम बढ़ रहे हैं। महंगाई बढ़ रही है, दाम बढ़ रहे हैं, तो इसको रोकने के लिए जरूरी नहीं कि किसान की आमदनी न बढ़े, बल्कि उसकी आमदनी किसी और तरीके से बढ़ सकती है। उसकी आमदनी बांस के माध्यम से, दूध के माध्यम से भी बढ़ाई जा सकती है। बांस लगाने के लिए किसान को अनुमति लेनी पड़ती है और अनुमति मिलने में बहुत कठिनाई और परेशानी होती है, इसलिए किसान बांस नहीं लगाता है। यह संशोधन पास हो जाने के बाद किसान बांस लगाएगा, तो इसके कारण बहुत सारे काम हो जाएंगे।

हजारों, लाखों बसोल लोग अपना धन्धा छोड़कर बेरोजगार घूम रहे हैं, क्योंकि बांस महंगा होने के कारण नहीं मिलता है। ये लोग टोकरी तथा अनेक प्रकार की चीजें बांस से बनाते थे। आज ये चीजें बाजार में उपलब्ध नहीं हैं, आज इनकी जगह प्लास्टिक ने ले ली है। यह प्लास्टिक इन परिवारों को खत्म कर रहा है। अगर प्लास्टिक की चीजें खत्म होकर, वापस बांस से बनी चीजें आ जाएं, तो इसमें क्या आपत्ति है? किसान को केवल वन के अलावा बांस लगाने के लिए यह संशोधन लाया गया है, इसलिए मैं चाहता हूँ कि सब मिलकर इस संशोधन को पास करें, ताकि किसान की समस्या कम हो और उसकी आमदनी दोगुनी हो, देश में लोगों को रोजगार मिले और ज्यादा से ज्यादा लोगों को काम करने का अवसर मिले व उनकी आमदनी भी बढ़े। केवल बसोल ही नहीं बल्कि आज जो छोटे-छोटे काम करने वाले

लोग परेशान हैं, इनको भी रोजगार मिलेगा। मेरा सदन से निवेदन है कि वह इस संशोधन विधेयक को पारित करे, धन्यवाद।

(समाप्त)

MR. DEPUTY CHAIRMAN: Thank you, Mr. Meghraj Jain. Now, Shri Vishambhar Prasad Nishad - your party time is nine minutes.

श्री विशम्भर प्रसाद निषाद (उत्तर प्रदेश) : माननीय उपसभापति महोदय, माननीय मंत्री जी भारतीय वन (संशोधन) विधेयक, 2017 लाए हैं, इसमें इन्होंने भारतीय वन अधिनियम 1927 की धारा-दो के खंड-7 में "बांस" शब्द का प्रयोग किया है।

महोदय, मंत्री जी ने अपनी बात बहुत विस्तार से रखी है तथा माननीय सदस्यों ने भी रखी है। मैं इसके संबंध में यह कहना चाहता हूँ कि देश में वन क्षेत्र 33 प्रतिशत होना चाहिए। आज वन क्षेत्र बढ़ाने की आवश्यकता है। इन्होंने केवल बांस को छूट देने के लिए कहा है। महोदय, जैसा कि मुझे जानकारी है कि केवल अंतर्राज्यीय परिवहन के लिए रोक थी। कोई भी व्यक्ति या किसान अपने खेत में, निजी जमीन में बांस लगाता है, तो उसको काटने में कोई दिक्कत या परेशानी नहीं है। इसमें वन विभाग का कोई रोल नहीं है, लेकिन जब बड़ी मिलों में, पेपर मिलों में, बड़ी कम्पनियों में बांस बड़ी तादाद में कटकर परिवहन होता है, तो तब परमिट बनवाने की आवश्यकता होती है। इस विधेयक से ऐसा प्रतीत होता है कि उद्योगपतियों को बढ़ावा देने के लिए, बड़े लोगों के लिए ये जल्दी-जल्दी में ऑर्डिनेंस लाए। जब पार्लियामेंट चलने वाली थी, तो ऑर्डिनेंस लाने की क्या जरूरत थी? पहले बिल पास हो जाता और पास होने के बाद आप इसको लाते। इसका यह मतलब है कि कहीं न कहीं पर दबाव था या किसी का प्रेशर था कि आप ऑर्डिनेंस

लाइए, नहीं तो हमारी पेपर मिलें बंद हो रही हैं, हमारे प्लास्टिक कारखाने बंद हो रहे हैं।

महोदय, जैसा कि माननीय जयराम रमेश जी ने कहा है कि पंचायती राज को बढ़ावा देना चाहिए।

(1S/LP पर जारी)

LP-GSP/2.45/1S

श्री विश्वम्भर प्रसाद निषाद (क्रमागत) : ग्राम पंचायतों के अधिकार छीने जा रहे हैं। उनके अधिकार कम करने के लिए ये नये-नये तरीके के संशोधन ला रहे हैं।

महोदय, हम लोग बुंदेलखंड से आते हैं। बुंदेलखंड में फॉरेस्ट एक्ट के कारण सारे डेवलपमेंट्स रुके हुए हैं। वहाँ न तो सड़कें बन पा रही हैं, न सरकारी इमारतें बन पा रही हैं और न ही पुल बन पा रहे हैं। यहाँ तक कि जो पहाड़ी क्षेत्र हैं, यहाँ हमारे तमाम माननीय सदस्य बैठे हैं, वहाँ अगर एयरपोर्ट का रन-वे भी बढ़ाना है, तो उसमें भी फॉरेस्ट विभाग की अनुमति के बिना रन-वे नहीं बना सकते हैं। सड़कों पर गवर्नमेंट के करोड़ों रुपये लग गए हैं और यदि बीच में कोई पुल या पुलिया बनना है तो उसका भी सारा काम रुक गया है। आपको ऐसा अमेंडमेंट लाना चाहिए था कि जो सरकारी कार्य हो रहे हैं, सड़कें बन रही हैं, पुल बन रहे हैं, जो रेलवे लाइन्स बिछी नहीं हैं, जो रुकी हुई हैं, जिन पर करोड़ों रुपये बरबाद हो रहे हैं, उनका काम हो। आपको उनमें संशोधन करने की जरूरत थी। मैं माननीय मंत्री जी से पूछना चाहता हूँ कि आप केवल दस वर्षों का, पाँच वर्षों का बता दीजिए कि अभी तक वर्ल्ड

बैंक से पैसा लेकर, उसके कर्जे से पूरे देश में वन क्षेत्र में जो पेड़ लगाए गए हैं, उनकी क्या स्थिति है, उनमें से कितने जीवित हैं और इस पर कितने करोड़ों रुपये खर्च हुए हैं?

महोदय, आज मुझे आंकड़ों से जो बात ज्ञात होती है वह यह है कि वन क्षेत्र लगातार घट रहा है, जिसके कारण वर्षा नहीं हो रही है। जब वर्षा नहीं हो रही है तो सूखा पड़ रहा है और पूरा देश अकाल की स्थिति में आ रहा है। जैसा कि हम बुंदेलखंड में देखते हैं कि वहाँ पर वर्षा आधारित खेती होती है। ये सब परेशानियाँ वनों के कारण ही होती हैं। मंत्री जी, इसके लिए यह होना चाहिए कि आप वन काटने की जो छूट दे रहे हैं, उस पर सोचें। जो वनमाफिया हैं, वे वनों की उपज को काट रहे हैं। वे बड़े पैमाने पर जो इमारती लकड़ियाँ हैं, उनको काटकर, फॉरेस्ट विभाग के अधिकारियों से मिलकर करोड़ों रुपये का नुकसान करते हैं। आपको उस पर कड़ा कानून बनाना चाहिए, उस पर एक्शन लेना चाहिए, जिससे कि वन क्षेत्र बढ़े, लेकिन आप तो वन क्षेत्र घटाने की बात कर रहे हैं। इससे क्या होगा? इससे यह होगा कि प्राइवेट किसान एक ट्रक बाँस खरीदेगा और आपके वन क्षेत्र से सौ ट्रक काटकर ले जाएगा। वह किसान के नाम पर वन विभाग की परमिशन ले लेगा और हमारा पूरा जंगल, पूरा वन विभाग बरबाद होगा।

जंगल आदिवासियों का है, जो गरीब लोग हैं, वे उन पेड़ों से तमाम खिलौने बनाते हैं, उनसे तमाम तरह के घर गृहस्थी के सामान बनाते हैं। हमारा देश इसके लिए प्रसिद्ध है। आप लोग आदिवासियों के लिए, जो फॉरेस्ट विलेजेज हैं, उनके लिए एक्ट बनाइए। उनकी आपको कोई चिंता नहीं है। जो लोग जंगलों में जिंदगी व्यतीत कर रहे हैं, जिनके पास कोई निजी मकान नहीं है, फॉरेस्ट वाले उनके पास आते हैं

और हर साल मार-पीटकर उनके घर गिरा देते हैं। आप या तो उनके लिए अलग से कोई जगह दीजिए या उस एक्ट में संशोधन करके जो फॉरेस्ट विलेजेज हैं, उनको मुक्त कर दीजिए। आपको ऐसा एक एक्ट बनाना चाहिए, लेकिन आपको उनकी कोई चिंता नहीं है। आपको गरीबों की कोई चिंता नहीं है, जो आदिवासी हैं, आपको उनकी कोई चिंता नहीं है और न ही किसानों की चिंता है।

महोदय, आपने 2014 में किसानों के लिए कहा था कि किसानों की उपज दुगुनी करेंगे। क्या आपने उपज दुगुनी की? आज किसान परेशान है। उनकी जो उपज है, आज उसकी लागत ज्यादा है और मूल्य कम है, इसलिए किसान परेशान है।

आपने इसी तरह फसल बीमा लगाया। आपने फसल बीमा में एक्ट बना दिया कि अगर बीमा कंपनी, जो प्राइवेट है, अगर उसे घाटा होगा, तो सरकार उसकी भरपाई करेगी, लेकिन अगर नफा होगा, तो उससे कुछ लेने की जरूरत नहीं है। आप हमेशा उद्योगपतियों को ही देखते हैं।

स्किल इंडिया में तमाम बच्चों के लिए.... 15 हजार रुपये .. एक बच्चे के नाम पर, स्किल इंडिया के नाम पर अरबों, खरबों रुपये का घोटाला हो रहा है। आप इसकी जाँच कराइए, इसमें संशोधन कीजिए। आज सभी उद्योगपति उसकी फ्रेंचाइज़ी लिए हुए हैं। फॉरेस्ट के नाम पर बड़े उद्योगपति, जो मिल चलाने वाले हैं, जो फैक्ट्री चलाने वाले हैं, आपने उनको छूट देने के लिए यह एक्ट बनाया है। मैं पूछना चाहता हूँ कि अभी तक वर्ल्ड बैंक से कितना पैसा लिया गया है, कितना वृक्षारोपण हुआ है? हम देखते हैं कि उसमें पुलिस का हस्तक्षेप रहता है, परिवहन विभाग का हस्तक्षेप रहता है। जहाँ भी देखिए वहाँ हस्तक्षेप रहता है। अगर कोई

किसान अपने खेत में भी कोई फसल ट्रैक्टर ट्रॉली से ले जा रहा है, यदि उन्हें उसमें कुछ नहीं मिलता है तो वे कहते हैं कि इस ट्रैक्टर ट्रॉली का रजिस्ट्रेशन नहीं है।

(1T/KLG पर जारी)

KLG-SK/1T/2.50

श्री विशम्भर प्रसाद निषाद (क्रमागत): यह जुगाड़ गाड़ी है, इनका कोई रजिस्ट्रेशन नहीं होता पश्चिमी उत्तर प्रदेश में और उनसे पुलिस पैसा वसूल करती है। इसके लिए आप कुछ कीजिए, जिससे किसानों को कुछ सहूलियत मिल सके।

MR. DEPUTY CHAIRMAN: Only two minutes more.

श्री विशम्भर प्रसाद निषाद : मान्यवर, मैं कन्कलूड कर रहा हूँ। मान्यवर, मैं माननीय मंत्री जी से यह अनुरोध करना चाहता हूँ कि कुछ ऐसा काम करिए, जिससे आने वाले समय में बांस, जंगल, वन जमीन बची रहे और यह उद्योगपतियों, भूमाफियाओं, वन-माफियाओं से बच सके। आप इसके लिए कानून बनाइए, जल्दबाजी में आप इस विधेयक को पास न कराइए, मैं इसका विरोध करता हूँ।

मान्यवर, मैं यही कहना चाहता हूँ कि जंगल में जो आदिवासी रह रहे हैं, यह जो उनका जन्मसिद्ध अधिकार है, उनके लिए कानून बनाकर जो वन क्षेत्र के विलेजेज़ है, फॉरेस्ट क्षेत्र के विलेजेज़ हैं उनको मुक्त करिए। केवल उद्योगपतियों को, पेपर मिलों को फॉरेस्ट सप्लाइ करने के लिए अगर आपने कानून बना दिया, तो उससे देश का भला होने वाला नहीं है, किसानों का भला होने वाला नहीं है, इसलिए मैं इसका विरोध करता हूँ, धन्यवाद।

(समाप्त)

MR. DEPUTY CHAIRMAN: Thank you very much. Now, Shri A. Navaneethakrishnan. You have got only seven minutes.

SHRI A. NAVANEETHAKRISHNAN (TAMIL NADU): I will not take much time, Sir.

This is a welcome Bill because the bamboos are the property of the rural poor people. This Bill has been very rightly brought in. For the reasons stated by my senior colleague, Jairam Ramesh, if anything is to be done, I have no objection. But from my point of view, this Bill is a welcoming one because bamboos are cultivated only by the poor people of the rural areas and are utilized by the poor people of the rural areas. It is their property. Now, for the purpose of felling and transit, if permission is required from the authorities, then automatically money is involved in it. There is no doubt about it. Our system is already totally collapsed. So, the poor people are already suffering and the rural economy is ignored by all the people. But, in spite of it, the Central Government has brought this Bill. I welcome it because now even in the urban areas, the products made of bamboo are very popular and utilized. They have got a very good market among the people. So, I welcome this Bill. Also, cultivation of bamboos has to be encouraged to maintain the environment and the climate change. So, I welcome the Bill. Thank you, Sir.

(Ends)

MR. DEPUTY CHAIRMAN: Thank you, Navaneethakrishnan ji. It was a very good speech in the shortest possible time. That is important. Small is beautiful. Now, Shri Sukhendu Sekhar Ray. Your time is six minutes.

SHRI SUKHENDU SEKHAR RAY (WEST BENGAL): Sir, it appears that bamboo is not always desirable! But I have to make my submissions on this Bill. First of all, when illegal felling of trees is going on unabated, this Bill should not show the path of legal felling of trees. Once this Bill is passed, it will open Pandora's box or it will open a new way for the illegal felling of trees. So, the Government should ensure that it should not show the path of illegal felling of trees in the coming days.

Sir, before this Bill was placed before this House, an Ordinance was promulgated under Article 123. Now, Article 123 categorically states about the special circumstances. I may be allowed to quote from Article 123. "If at any time, except when both Houses of Parliament are in Session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, this can be done." I am not questioning the satisfaction of the President. But I am questioning the objective of the Government as to what were the circumstances necessary for promulgation of the Ordinance.

(Contd. by YSR/1U)

YSR-AKG/2.55/1U

SHRI SUKHENDU SEKHAR RAY (CONTD.): Because this Ordinance was promulgated on 23rd November, and in the second week of December, this House and that House were supposed to be convened. This time it did not happen. But that is a different thing altogether. Why couldn't the Government wait for some more time? What was the urgency? What was the compulsion on the part of the Government? I would request the hon. Minister to clarify this position first. Some apprehensions were raised in different quarters, including those raised by Mr. Ramesh, and I am inclined to share his apprehension that there are certain other considerations. Because nothing has been said so far. I have gone through the press statement issued by the hon. Minister which appeared on 23rd of November in different newspapers. I would quote one or two lines from that. He says, "This will now create a viable option for cultivation in 12.6 million hectares of cultivable waste land. It will encourage farmers and other individuals to take up plantation/block plantation of suitable bamboo species.." I want to know whether any study was conducted by the Environment Ministry before the Minister made the statement or not. And if at all any study was conducted, why is it that the nation has not been informed about it, particularly the legislators? Because before the promulgation of Ordinance, the Ministry or the Government should have told the way Minister has issued the

statement that these are the considerations why the Government decided to promulgate the Ordinance. In a plethora of cases, the Supreme Court has stated and ruled against the promulgation of Ordinances now and then. In a recent Supreme Court judgement in the case of Krishna Kumar versus the State of Bihar, the 7-Judge Bench of the Supreme Court has held that re-promulgation of Ordinance is impermissible and termed it as a fraud on the Constitution. It is not a case of re-promulgation. In the same case, the Supreme Court has said that the Constitution does not permit the President or the Governor to become a parallel law making authority independent of legislature, because Parliament is supreme. The legislative power is with the Parliament and the legislatures. That is why I want to know from the hon. Minister what the urgency and exigency was in promulgating the Ordinance on 23rd of November. According to me, there were no compelling circumstances or exigencies so far as the Ordinance is concerned.

As far as the Bill is concerned, the Statement of Objects and Reasons says, “The farmers are facing hardships in getting the permits for felling and transit of bamboos within the State and also for outside the State, which has been identified as major impediment of the cultivation of bamboos by farmers on their land.” According to me, the word ‘farmers’ should be replaced with the word ‘traders’. It is actually the traders or

the corporates who are facing hardship and not the farmers. Nowhere in the country farmers are getting any remunerative price, although while initiating the discussion on the Bill, the hon. Minister has said that this Government is determined to increase the earnings of the farmers to the extent of 50 per cent by 2022. They have to wait till 2022 without knowing who will come to power in 2022 and whether they will remain or any other party will come. But in the electoral promises, in the manifesto, they stated that for the farmers they will ensure 50 per cent profit over and above the cost of production. Forty-two months have elapsed. Now the Government is saying that you will have to wait till 2022 and, in 2021, they will say that you will have to wait for 2050. And this will go on. This is an empty promise which has been established beyond doubt.

(Contd. by VKK/1W)