

RAJYA SABHA

*SYNOPSIS OF DEBATE

(Proceedings other than Questions and Answers)

Wednesday, December 27, 2017/ Pausha 06, 1939 (Saka)

Reference to the Victims of Bus Accident in Rajasthan

MR. CHAIRMAN: Hon. Members, as you might be aware, 33 persons reportedly lost their lives and 7 others were injured, when a bus accidentally fell into the Banas river in Sawai Madhopur district of Rajasthan, on the 23rd of December, 2017.

The loss of precious lives and injury to people in this tragic incident is indeed unfortunate and sad.

I am sure the whole House will join me in expressing our heartfelt condolences and sympathy to the bereaved families and pray for the speedy recovery of the injured.

(One Minute's silence was observed as a mark of respect to the memory of those who lost their lives in this tragedy.)

Felicitation to the Indian Contingent for Winning Medals at Asian Youth Para Games Held in Dubai

MR. CHAIRMAN: Hon. Members, on behalf of the whole House and on my own behalf, I congratulate the Indian contingent for winning 17 Gold, 14 Silver and 13 Bronze medals in the Asian Youth Para Games held in Dubai from 8th to 14th December, 2017.

*This Synopsis is not an authoritative record of the proceedings of the Rajya Sabha.

By their achievements, these sportspersons have made our country proud in the comity of nations. The victory of our para-sportspersons is all the more significant as it symbolizes the triumph of the indomitable spirit and willpower over the limitations of human body. Their example should inspire our young sportspersons to emulate and improve upon their achievements.

We wish them success in all their future endeavours and hope that they would continue to make the country proud by bringing many more laurels in the future.

I. STATUTORY RESOLUTION

Disapproval of the Indian Forest (Amendment) Ordinance, 2017

II. GOVERNMENT BILL

The Indian Forest (Amendment) Bill, 2017

DR. T. SUBBARAMI REDDY, moving the Statutory Resolution, said: There was no extraordinary and urgent situation for issuing an Ordinance regarding the Indian Forest (Amendment) Bill when the parliament was to be convened in the near future. 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. The UPA Government took an important step by classifying bamboos.

THE MINISTER OF SCIENCE AND TECHNOLOGY, THE MINISTER OF EARTH SCIENCES AND THE MINISTER OF ENVIRONMENT, FOREST AND CLIMATE CHANGE (DR. HARSH VARDHAN), moving the motion for consideration of the Bill, said: There will be a far-reaching reform in the area of forest and for all those who are related, directly or indirectly, to the activities inside and outside forest. This amendment bill will help us in exempting bamboo grown in non-forest areas from the definition of 'tree.' The major objective of this amendment is to promote cultivation of bamboo in non-forest areas thereby improving the income of

farmers and increasing the green cover of the country also. It will also create a viable option for cultivation in 12.6 million hectares of cultivable wasteland thereby increasing the agricultural income of farmers and tribals, more specifically in the North-East part of India and in the Central India. It will encourage farmers and other individuals to take up plantation of suitable bamboo species on degraded land and also on private lands under the Agro Forestry Mission. The supply of raw material to the traditional craftsmen of rural India will be enhanced. It will also help us in strengthening the bamboo-based paper and pulp industries, cottage industries, furniture-making units, incense-stick-making units, etc. Through this amendment bill, a lot more of job opportunities for the poor people, the farmers, the tribals, etc. will be created. This bill will help in addressing many issues including reducing import of timber and allied products and meeting the demands of our domestic production. There are different State laws in the country and people have to take permission from so many places. That is why there is not significant and good quality encouragement for people to grow bamboo outside the forest. I would request all the Members to have a very objective look at the whole issue.

SHRI JAIRAM RAMESH: I oppose this Bill for some reasons. I fail to understand the urgency for an Ordinance. This Bill applies to non-forest areas and it is not pro-tribal, not pro-poor and not pro-North East. This will benefit only private industry, private paper mills, private wood factories and private companies which want to use wood as a substitute for plastic material. Sir, ninety-four per cent of bamboo is already classified as minor forest produce. The Forest Rights Act should get precedence and priority over the Indian Forest Act. 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 income of the Gram Sabha went up manifolds. 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. Jamguda in Kalahandi district became the second village in India where the bamboo cultivation was given to the Gram Sabha. The Government is taking away the control

of the Gram Sabha and giving it to the Forest Department. This is not acceptable as far as I am concerned. CAMPA activities have already been initiated in State after State, willfully neglecting the opinion of the Gram Sabha and without taking their consultation. This is misleading all of us. This Bill cannot be supported. There is no urgency for the Ordinance. The Government is taking away what was given to the Gram Sabha and restoring the rights to the Forest Department. In so far as CAMPA is concerned, you are willfully neglecting all the assurances that you have given to this House. I rise not to support this Bill and to appeal to the House not to give support to this Bill

SHRI MEGHRAJ JAIN: In this Bill, the provision has been made only to do away the difficulties of farmers and to enable them for afforestation in their fields. There is a lot of difficulty in carrying the bamboos from the forest area and if the farmers are cultivating them in their fields then forest officers are harassing them. So, it is the need of the hour that they should be provided facilities through these amendments. The bamboo is used in almost all the works. People are being provided employment through bamboos. The forest officers are taking action against the farmers and the people who are using bamboos. If the farmers start cultivating bamboos, it would stop deforestation and thus it would increase their income. After passing this amendment, if the farmers start cultivating bamboos, many works would be completed. Lakhs of Basol people are roaming jobless because they are not getting the bamboos because it became very costly. Today, bamboo has been replaced by the plastic and the iron. I want that this amendment may be passed so that the problem of the farmers would be minimized and their income would be doubled.

SHRI VISHAMBHAR PRASAD NISHAD: There should be 33 per cent forest area in the country. Today there is a need to increase the forest area. It seems by this Bill that this is meant to encourage the industrialists. There was no need to bring the ordinance. The rights of Gram Panchayats are being taken away. New amendments are being brought in to minimize their rights. In Bundelkhand, all the developments are stopped because of the forest

Act. The Government could have brought such an amendment, that would not stop the on-going government works. I want to ask the Hon'ble Minister that what is the total amount spent out of the money received from the world bank during the last five years? The forest area is decreasing continuously. Due to which there is no rain and it is causing the drought situation. The Minister should think over again for the free hand being given for deforestation. Forest Mafia is cutting the trees of forests. There should be a strict law on this. An act should be made for the forest villages of the tribal. The Government always takes care of the industrialists. There is a big scam of millions of rupees on the name of Skill India. It should be investigated and an amendment be brought in. This act has been made to give exemptions to industrialists. There is always a lot of intervention of Police and the Department of Transport in this field. I request the Hon'ble Minister that something should be done so that bamboos, the forests and the forest land should be saved and it could be protected from the industrialists, the land mafia and the forest mafia. I oppose this Bill.

SHRI A. NAVANEETHAKRISHNAN: 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. The poor people are already suffering and the rural economy is ignored by all the people. Cultivation of bamboos has to be encouraged to maintain the environment.

SHRI SUKHENDU SEKHAR RAY: Once this Bill is passed, it will open a new way for the illegal felling of trees. I am questioning the objective of the Government as to what were the circumstances necessary for promulgation of the Ordinance. I would request the hon. Minister to clarify this position first. The Supreme Court has ruled against the promulgation of Ordinances now and then. 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. The word 'farmers' should be replaced with the word 'traders'. Nowhere in the country

farmers are getting any remunerative price. Forty-two months have elapsed, now the Government is saying that you will have to wait till 2022. This is an empty promise which has been established beyond doubt. If the Government takes away bamboo from the definition of trees and if it is not forest produce, in that case, we are going to convert forest activity into a non-forest activity. An exemption is sought for the bamboo grown in the forest area because you are amending the definition of trees under the Forest Act. If this amendment is passed, no permit would be required for felling and transporting bamboo, which is required for a forest produce.

SHRI DILIP KUMAR TIRKEY: The bamboo is sent from our State to the States where bamboo is not cultivated; however the permission is required from the State Government for it, but after this amendment, this permission will no longer be required. You are not benefitting the poor, farmers and forest dwellers by allowing the cutting of the bamboos and transportation thereof. Each State is having its own laws with regard to forests. The State of Odisha is having forest safety committees; permission from Gram Sabha is required to move the forest produces. We need to strengthen the Gram Sabhas, their rights should not be curtailed. I feel that by bringing this amendment, the Government is encouraging the privatization. Whether the privatization can only increase the incomes of the farmers? You are not at all benefitting the tribal's by this amendment. This bill states that its provisions will only apply to the bamboo cultivated on non-forest land. This provision is difficult to be implemented. The Government should not weaken our federal structure. We should give rights to the Gram Sabhas and Forest Safety Committees, and should strengthen them. You must ascertain the opinion of the State Governments before bringing in the bill in this manner.

SHRI HARIVANSH: This law is an attack over the legacy of the license permit system. This law ensure the rights of the poor over the things which belong to them. The poor who were hitherto slaves to this law, they will be liberated and they will be able to use their produce without any legal restrictions. It offers an opportunity to

increase the production of bamboo in non-forest areas. Large scale waste land is available in this country. It provides a possibility to have the bamboo cultivation on such land. It will increase the bamboo production in the Country. Only half of our bamboo requirement is available in the country as of now, the remaining need is fulfilled through imports from other countries. This amendment in the law will strengthen our position in the world market. The Indian money will remain in India. We will be able to increase the bamboo production by passing this law and the production of the things associated with it, will increase which will result in reduced import bill. It will cause free movement of the bamboo.

SHRIMATI JHARNA DAS BAIDYA: I oppose the Indian Forests (Amendment) Bill, 2017. This is mainly to exclude 'bamboos' from the definition of 'trees' in the Indian Forest Act, 1927. In the North-East Indian States bamboos grow abundantly in the forests and plains. There are many restrictions in cutting trees from forests. Many people are growing bamboos in their private land for commercial purposes. There are lot of restrictions in transporting bamboos within a State and between States. Once bamboo is removed from definition of 'trees' in the Forest Act, bamboo-growers can freely take it to any part of the country. Bamboos are raw material for producing pulp, paper, rayon, etc. I request the Central Government to establish a pulp and paper mill in Tripura. A large number of handicraft articles can be purchased which will create a lot of jobs for both young men and women.

SHRI ASHOK SIDDHARTH: Every citizen of the country wants that the farmers of our country should progress. This bill speaks about encouraging the bamboo farmers. The capitalists and industrialists of this country are taking advantage of the farmer's produce. You promised to pay them one and half times of their produce, even after approximately three and half years, same is not fulfilled. There is no guarantee that the bamboo farmers will get rid of the capitalists and industrialists in this way. Whether the Government would offer one and half time price of the bamboo production?

Whether any arrangement has been made to offer financial subsidy or financial assistance to the small farmers?

SHRI D. RAJA: I think there was no need for this ordinance. Bamboo is actually a kind of grass. During British rule, bamboo was classified as a tree in the Forest Law. This allowed the Forest Department to control cutting, selling and transporting of bamboos. In the Forest Rights Act, 2006 bamboo has been included as a minor forest produce. However, the Indian Forest Act was not amended. The forest officials have continued to stop people from harvesting and selling bamboo on forest lands. Forest Department has looted the money which actually belonged to the tribal people. The new Bill only says that bamboo outside forest will not be considered as 'tree.' Is it right to deprive the rights of tribal people and forest dwellers and to help private industries? This Bill is not in the interest of tribal people and forest dwellers. It benefits private industries and companies. The Government should rework on this Bill, have broader consultations keeping in view the interest of the country, tribal people and forest.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI PRAKASH JAVADEKAR): Every person wants that the forest area in the country should expand. Tribal and non-tribal persons, forest dwellers should be protected, they should get the livelihood. Our forest growth has stopped, because the farmer is afraid of planting the trees. In fact, we are importing! In this manner we are not allowing forest to grow. The farmer will only plant trees, if he is able to sell it, when he will be able to transport it.

SHRI PRADEEP TAMTA: The current Government is trying to dilute Forest Acts, Forest Conversation Act and all the Environmental Acts. It is being said that you want to increase the green cover by planting the bamboo. It is our National Policy to have a 33 per cent forest cover in the country. It is being said that if the farmers plant the bamboo, it will result in increased green cover. Currently 22 per cent forest cover is there in the country, which is controlled by the Government. You can increase that forest cover to 33 per cent. It is being said that it will increase the farmer's income and forest cover will also increase. This cover will only increase when

the forest will remain protected. What will be its impact on agriculture in the country, it should be considered. On one hand it is being said that it will increase the green cover and on the other it is being said that it will increase the income of the farmers. Both these things are contradictory. Have you ever thought that a lot of forest property, biodiversity is on the verge of extinction. Is there any study has been carried out in this regard? I think there is a whole lobby behind controlling and diluting forest act. What was the need to bring ordinance? Hon'ble Minister informed that through this Bill, green cover of the country will be increased. I want to know whether Govt. has formulated any plan during last three and half years to increase the green cover of the country. You are going to allow industrialist to intervene in the matters related to forests. So I oppose this Bill.

SHRI SHANKARBHAI N. VEGAD: Major share of the income in the country comes from agriculture only. Bamboo cultivation is a major source of income of farmers. Cultivation of bamboo will not only enhance the income of farmers but also the income of OBC, ST and forest dwellers. Bamboo can be grown anywhere in India. Seed of such kind should be developed so that bamboo could be grown rapidly. There is heavy demand of bamboo. Pickle and vegetable is made out of it. Bamboo is used from our birth to last rites. This provides employment to unemployed. Bamboo is used in furniture also. Those who are opposing this Bill, they are opposing OBC, SC/STs also. So I want that all of us should pass this Bill together. I support this Bill.

SHRI TIRUCHI SIVA: Indian Forest (Amendment) Bill, 2017 has been brought to replace the Indian Forest (Amendment) Ordinance, 2017. What was the need for the Government to bring in an Ordinance? Why should they resort to the Ordinance route without making use of the parliamentary process? 'Forests' fall in the Concurrent List. So, before bringing forth this Ordinance, the States should have been consulted. This Government has been trying to encroach upon the rights of the States. They say that this Bill has been brought keeping in view the welfare of non-forest farmers. If that be so, the Minister may clarify this point. Some person may cut bamboo

growing in a forest area without a permit and take it as his own commodity. What measures would you take to curtail such practices? Bamboo vegetation differs from State to State. The topography and geography are well known to the individual States, but they have not been consulted at all. You are now usurping the powers of the Gram Panchayats also. So, we are compelled with no other option than to oppose this Bill.

SHRI ANANDA BHASKAR RAPOLU: Urgency of Ordinance is showing the ulterior motive of the Union Government, even disrespecting the Concurrent List of State Governments. Bamboo is having spiritual value, it represents cultures, traditions and it is having high commercial value. Though you try to represent the cultures and values in your slogans and arguments, you are just standing with the modern corporate. Bamboo is soil carbon enriching clump. You have not bothered to assess the degradation of riverine land. Wherever you have riverine lands, there is a possibility of safe bamboo plantation. But bamboo plantation needs to be looked through the perspective of small farmers. In many parts of the country, people are demanding for giving empowerment only to the Gram Sabhas and not to the Van Sanrakshan Samitis, I hope that this Government will get enlightened and the Minister will himself look into the ground realities and take back this Bill.

SHRIMATI VIPLOVE THAKUR: The NDA Government has become habitual in bringing ordinance. They don't believe in democracy. What was the need to bring ordinance? Merely bringing ordinance or Bill will not increase the income of farmers. How will you increase the income of farmers belonging to tribal areas? Gram Sabhas and Forest Conservation Act is being ignored. If it is for the interest of farmers, then let the survey of whole country to be carried out. Khair crop of Himachal Pradesh is a cash crop but that also have been kept under forest and farmers cannot get benefit of it. They cannot sell their own Khair crop. Have you ever thought about it. This Bill is totally wrong. Only handful of people will be benefited from it. Many things have been told but still farmers are committing suicide and they are indebted that is why we cannot support this Bill. For this,

all the states should have been taken into confidence. If farmers grow bamboo for 4-5 years in their land instead of agriculture, will the government provide subsidy to them. Bring a Bill for Khair for Himachal Pradesh if you want to do something for the interest of farmers then do not think about only some of the states but for the farmers of the whole country. We oppose this Bill.

SHRI RAM VICHAR NETAM: The way people have described this Bill as false, contradictory and detrimental, I think they do not understand the ground reality. People of tribal dominated states make use of bamboo in a better way. It is used in a social tradition and it is also helpful in economic development and consequently enhances the income. Farmers of this country will get better marketing facilities anywhere in the country after the passage of this Amendment Bill. Fetching fair price for his produce will help in increasing his income. We have to understand circumstances of tribals in order to know about them. This is an important Bill and to bring such an Amendment Bill is a historical step. Many people engaged in this occupation will get benefitted and economic condition of the country will improve.

DR. T. SUBBARAMI REDDY: I would like to know whether Government have consulted the States on this as the States are very concerned about their rights because it will take away their powers to issue permits to regulate the movement and felling bamboo within their States. It will pose a challenge for the forest guards at check-posts to distinguish between bamboo originating in the forest area and in the non-forest area. The last point I would like to say is that cane should also be deleted from the definition of 'tree'. Hence, with the leave of the House, I am withdrawing my Resolution.

DR. K. KESHAVA RAO: I would like to draw attention of the House to the Constitutional provision. The Government should have come with some kind of note stating the circumstances behind bringing in an Ordinance with such urgency. I would like to know as to how many hectares of land has been brought under bamboo cultivation in these 23 days.

The Hon'ble Minister, replying to the debate, said: I thank all the hon'ble Members who have expressed their views in this regard. The poor tribals and poor farmers of the country are going to be benefitted after passage of this Amendment Bill. This Amendment Bill aims at increasing income of the poor people. Hence, there was great need to avoid such misconception about the different legal positions of bamboo under different Acts. This intervention will facilitate the implementation of FRA, 2006 also, and PESA, 1996 in the country. The tribal and the other traditional forest-dwellers will get the forest rights under the FRA. I wish to tell to this August House the fact that exclusion of bamboo from the definition of 'tree' is to promote its cultivation outside the forest areas. The passage of this Amendment Bill will help in increasing income of the rural people; plantation of bamboo outside the forest will positively affect the green cover. We are committed about welfare of poor people of India. Hence, I urge that this Amendment Bill should be passed.

I. The Statutory Resolution was negatived.

II. The motion for consideration of the Bill, was adopted.

Clauses etc. were adopted.

The Bill was passed.

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Secretary-General.

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****Supplement covering rest of the proceedings is being issued separately.