

and now the country is flooded with 13 ordinances together.

The hon. Minister is a new incumbent and a friend of mine. This Government should shun the practice of issuing ordinances every now and then. It was understandable if this practice were pursued by the Congress who are used to it but is not befitting of a person who has always remained in the opposition and has been opposing this practice. We are meant to oppose the Congress who will in turn oppose as if we sit on that side tomorrow.

I request the hon. Minister not to resort to issuing ordinances repeatedly.

Pollution is not restricted to a single form. There is water pollution, sound pollution and air pollution. Who will control pollution and go in for appeal? An appellate authority has been constituted for the purpose that will be composed of three people to be appointed by the President. An offender will be punished with seven years imprisonment and a fine which may extend to rupees one lakh or both. A fine of Rs. 1 lakh and not a thousand or two will be imposed for a petty offence. It should be lessened. It is, indeed, necessary to control pollution. He must be aware that penalty is imposed on a person in England or USA who blows horn. Conversely, in India, a vehicle fitted with a blow horn has the word, 'Horn Please' painted at its rear. Speed breakers near hospitals, schools are meant to decelerate the speed of the vehicles. We must contemplate measures to check the misuse of horn in India.

I oppose the provision of punishment made in it and the intention behind promulgating ordinance. There are 350 mines in Jaipur city where from people used to extract stones for constructing their houses. The hon. Governor has promulgated ordinance with regard to these 350 mines. There is a place called the Jhalana ki Dungri. The hon. Governor has banned extracting stones there under the garb of Department of Forests. But the 350 odd mines are not even remotely connected with the forest department. Closures of these mines have put an end to house construction activity resulting in non-availability of pebbles used for constructing roads. Consequently, lakhs of labourers belonging to the scheduled castes have been rendered unemployment and have been running from pillar to post, engaging lawyers in the courts. More than 1500 half body trucks meant to ferry stones are also rendered jobless. Hence, my submission is that the tribunals meant for the purpose, as you direct, I can speak later if the lunch is necessary. I may also have lunch.

MR. CHAIRMAN : How much time will you take?

SHRI GIRDHARI LAL BHARGAVA : I will take time. I have only given the background. I have no problem if

you give me time after lunch. Time shall have to be given to me...(Interruptions)

MR. CHAIRMAN : You are aware that only one hour's time has been allotted to this issue.

SHRI GIRDHARI LAL BHARGAVA : That is in routine. You shall have to give time to me. More one hour will not do...(Interruptions)

MR. CHAIRMAN : I did not fix that, Joshi ji.

SHRI GIRDHARI LAL BHARGAVA : Whosoever, right have fixed. They fix time like that under the perception that it is a petty Bill and shall be passed in no time. The day before, Jena ji was asking as to what was special about that.

[English]

MR. CHAIRMAN : The House stands adjourned to meet again at 2 p.m.

13.00 hrs.

*The Lok Sabha then adjourned for Lunch till
Fourteen of the Clock.*

14.09 hrs.

*The Lok Sabha re-assembled after Lunch at nine
minutes past Fourteen of the Clock.*

[SHRI NITISH KUMAR in the Chair]

STATUTORY RESOLUTION RE: DISAPPROVAL
OF NATIONAL ENVIRONMENT APPELLATE
AUTHORITY ORDINANCE - *Contd.*

AND

NATIONAL ENVIRONMENT APPELLATE
AUTHORITY BILL - *Contd.*

[English]

MR. CHAIRMAN : Shri Girdhari Lal Bhargava, you may please continue your speech.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Mr. Chairman, Sir, environment is a very important subject. In 1972, a Committee was constituted in this regard. Subsequently, in 1980, a committee was constituted to empower it and in 1985, it was entrusted with the work relating to the department of environment and forests. Water and air pollution were included in it after the formation of the Central Board. My submission is that sound pollution be included in it if it is not included so far. Presently, 23 states have concurred to this law and the hon. Minister has brought forward this Bill today. According to him, there will be three members in it - one a retired judge

[Shri Girdhari Lal Bhargava]

of the Supreme Court while the Chairperson and the Vice-Chairperson are to be appointed by the hon. President. Their term of office will be three years. An inquiry by a Supreme Court judge will be instituted in case a member wishes to resign before the expiry of three years provided he gives a three months' notice and can be removed from office if the charges are proved. This provision has been made to facilitate the concerned person to make an appeal if the order is passed but the Civil Procedure Code is not applicable in this regard. As I have already submitted to the hon. Minister, the punishment of seven years' imprisonment or a fine of Rs. one lakh, or both should be reduced.

Sir, it was provided in it that rules will be formulated after issuance of ordinance but there is no inbling of the rules after about two months now. I would like the hon. Minister to lay a copy of the rules in the House so that we come to learn what action has been taken so far and how many people punished physically or financially. What is the effect of the ordinance? To me promulgating ordinance has no relevance. Instead, the Bill should have come. Rules should be laid on the table.

I have made a mention of 350 mines. Stone is extracted from big and small mines in Makrana, Jaipur, which are even transported to other places for constructing houses. Not a single tree exists there. Closure of these mines has rendered thousands of people, including truck operators, jobless. Their life is meaningless and it is a question of life and death for them. Nobody can appeal in a civil court once this Bill becomes an Act. These mines don't come under the department of forests. Thus these should be revised and the term of punishment reduced. A situation of starvation has arisen in my constituency. I expect a favourable consideration on his part.

Sir, there have been other decisions as well like there will be no mines award the Taj. Likewise, closure of 168 factories was ordered in Delhi on 30, November, 1996 for causing pollution. These included the silk factory and the Birla Textiles Mill and I hope the latter is still functioning. Shri J.P. Jindal, the President of Delhi factory Federation has said that the closure of these age old factories will pose a problem of earning livelihood before the workers. They will have to be paid compensation, one year's salary and the shifting charges.

Printing Presses are operated in Pali, Rajasthan. Their effluent goes down the drains there. In Delhi, one can fetch petrol for his vehicle only after producing a 'pollution under control' certificate. What is the progress of the pollution related rules. In Mathura, the gutter-water and the urine etc. flow down into the Ganges. This should be pondered upon. Pollution is a sensitive issue. His concern about it is appreciable. I have my

apprehensions about the question of work the tribunal can do. This should be considered.

Sir, kitchen hearths (chulhas) cause pollution in villages. The Gobar gas plant scheme was mooted for this. This should be considered rising above party politics - be it the B.J.P., Congress or Janata Dal. A law on abatement of pollution was made on 26th Feb., 1992. I would like to know the progress made in that.

Sir, lastly, I would say that Ganga Authority was constituted, mines projects were mooted. National Forest Policy was formulated in 1996 envisaging that one-third of the country's land will be brought under forest cover. Presently, only 19.44 percent land is under forest cover. Thus, we have to seek the cooperation of the tribals for this and a pollution law is a must for healthy life. We can counter the problem of pollution if every person resolves to plant a tree or two in his premises.

Sir, I reiterate that the ordinance and the rules have not been laid on the table. I would like to know the action taken in this regard and the number of people imprisoned or fined with Rs. one lakh so far or I am here to oppose this ordinance. Thank you.

I beg to move :

"That this House disapproves of the National Environment Appellate Authority Ordinance, 1997 (No. 12 and 1997) promulgated in the President on 30th January, 1997".

[English]

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (PROF. SAIFUDDIN SOZ) : Sir, I beg to move :

"That the Bill to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matters connected therewith or incidental thereto, be taken into consideration."

Mr. Chairman, Sir, in doing so, I submit that this Bill seeks to fulfil an urgently felt need for some mechanism for effective and expeditious disposal of appeals against the directions of competent authorities under the Environment (Protection) Act, 1986 giving environmental clearances to developmental projects.

The hon. Members are aware that conservation and protection of the environment has been the cornerstone of our culture and traditions. Our Constitution was one of the first to acknowledge the importance of environmental conservation. The Constitution also makes it a fundamental duty of every citizen to protect and improve the environment.

The basic principle guiding us is "Sustainable Development". This implies social and economic betterment that satisfies current needs without foreclosing options for the futures or compromising the ability of future generations to meet their own needs. The principle entails a balanced relationship between short-term uses of our environment and the maintenance and enhancement of long-term productivity.

Very importantly, environment protection also has to be directed by the "precautionary principle". According to this principle, the causes of environmental degradation have to be anticipated to ensure the necessary preventive steps. Environmental clearance address this aspect. Such clearance is issued by the Ministry of Environment and Forests in accordance with the Environmental Impact Assessment Notification of 1994. Expert Committees appraise projects to ensure that they comply with pollution control and safety standards and do not have adverse ecological, social and economic consequences. The appraisal, among other things, includes impact assessment on livestock, wildlife, agriculture and forests. The Appraisal Committees each headed by a non-official Chairman includes experts from the concerned disciplines besides representatives of NGOs.

At the same time the need was felt of having a mechanism independent of the Ministry of Environment and Forests to deal with appeals against environmental clearance decisions. This appellate mechanism would also give effect to the principles enunciated by the Supreme Court in various public interest litigations involving environmental protection issues. This will lead to increased transparency and greater accountability, concerns which have so often been expressed by the hon. Members. Significantly, the expeditious redressal of public grievances would greatly reduce delays in project implementation. In this background, an Ordinance was promulgated for the establishment of a National Environment Appellate Authority to deal with appeals against the grant of environmental clearance to developmental projects.

The National Environmental Appellate Authority Bill has now been brought to the House for consideration and passing. The Bill seeks to replace the aforesaid Ordinance.

I would not like to highlight briefly the main aspects of the Bill seeking to establish the Appellate Authority. The Authority shall comprise a Chairperson, Vice-Chairperson and other Members not exceeding three.

A person shall not be qualified for appointment as Chairperson unless he has been a Judge of the Supreme Court or Chief Justice of a High Court.

Appointment as Vice-Chairperson will be held by a person who has, for at least two years, been a Secretary

to the Government of India or has held any other post under the Central or a State Government carrying a scale of pay which is not less than that of a Secretary to the Government of India; and has adequate knowledge and experience in the administrative, legal, managerial or technical aspects of problems relating to the environment.

A person shall not be qualified for appointment as a Member unless he has professional knowledge of a high standing and practical experience in the relevant areas of expertise pertaining to conservation, environmental management, law, planning and development.

Hon. Members must have observed that the composition of the Authority is such which can impart the necessary legal and judicial erudition to the appeal process, blended with expertise related to environmental issues, both technical and managerial.

The Chairperson, Vice-Chairperson and other Members shall hold office for a term of three years, but shall be eligible for re-appointment for another three years. The Chairperson shall not hold office after attaining the age of seventy years. The Vice-Chairperson and other Members shall not hold office after the age of sixty-five years.

Hon. Members may also like to note the class of persons who will have the right to appeal to the Appellate Authority. This includes :

- (i) any person who is likely to be affected by the grant of environmental clearance;
- (ii) any person who owns or has control over the project with respect to which an application has been submitted for environmental clearance;
- (iii) any association of persons (whether incorporated or not) likely to be affected by such order and functioning in the field of environment;
- (iv) the Central Government, where the environmental clearances is granted by the State Government, and the State Government, where the environmental clearance is granted by the Central Government; and
- (v) the concerned local authorities.

We are conscious that many of those who will appeal to the Authority for redressal of grievances will be from the relatively deprived sections of society. There is also the need for expeditious disposal of appeals, and, therefore, the imperative of making the procedure simpler. Hence, our insistence in the Bill that the Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, but shall be guided by the

[Prof. Saifuddin Soz]

principles of natural justice. The Authority shall have powers to regulate its own procedure, as also enjoy the powers vested in a Civil Court. The Authority shall fix the place and time of its inquiry.

The National Environmental Appellate Authority Bill is a very important initiative in our quest for sustainable development and the preservation of our ecology and natural resources. This social legislation provides a greater voice to our citizens in the adjudication of matters pertaining to the environment. Hon. Members will agree with me that the essential objective of sustainable development is to provide further opportunities to our citizens for enhancing their well-being. The Bill is a step in this direction.

With these words, I move the motion.

MR. CHAIRMAN : Motions moved :

"That this House disapproves of the National Environmental Appellate Authority Ordinance, 1997 (No. 12 of 1997) promulgated by the President on January 30, 1997."

"That the Bill to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matters connected therewith or incidental thereto, be taken into consideration."

Shri Ram Naik to speak.

[Translation]

SHRI RAM NAIK (Mumbai North) : Mr. Chairman, Sir, I have stood up to oppose the ordinance regarding the National Environment Appeal Authority Bill, 1996 which has been promulgated by the Government. The Government has done a miracle by issuing 13 ordinances so far. It is a coalition of 13 parties, that is why of they have issued 13 ordinances, I oppose the Bill because the Government has violated the Constitution by promulgating this ordinance on the day which is the death anniversary of Mohatama Gandhi. I would like to support the circumstances in which this Bill has been brought but I would also like to draw the attention of the Government towards the shortcomings of this Bill and for that I have given an amendment. I do support the Bill in the form it has been brought to the House. The total financial burden for protection of environment will be Rs. 51,55000, I have no objection if it would have been Rs. two to four crore. It would not

be good if every time people from every corner of the country have to come to Delhi for taking direction from the authority. In my opinion, it would be better to establish regional authorities at several places.

11 years have been elapsed since the Environment Protection Act - 1986 was passed. The point to be considered is as to whether it has protected the environment or it has created obstacles in developmental works. Big dams have been constructed at many places but no-objection certificate for constructing Channels have not been issued, dam is there but no water for fields. So, it is constructing the development works and I would like to say that the merits and demerits of the Bill during these 11 years should be reviewed and for that a Review Committee should be constituted to plug the loopholes of this Act. One of the reasons stated for promulgation of this ordinance is that the ordinance was brought in the light of judgements delivered by the Supreme Court. The first judgement of the Supreme Court given on 28 August, 1996, said that 900 tanneries were creating pollution in Tamil Nadu. I have the copy of that judgement with me. In the judgement, the Supreme Court has said that such appellate authorities should be set up within a month. It is the directive of the Supreme Court. The Government took five months upto 30 January, 1997 while the court had directed to do this within one month. The Government takes five months for the work which is to be done within a month. Another thing which the Supreme Court had said in its judgement, was that a Green Bench should be set up in each State. I would like to know the number of State High Courts where this bench has been set up and have it has been functioning. I am opposing the Bill because the Minister has said nothing about this.

Secondly, this Ordinance was promulgated on 30 January, and 1 1/2 months have been elapsed. I would like to whether any Authority have been formed? Who are its Chairman and Vice-Chairman? When nothing has been done in this regard, then what was the necessity for promulgation of the ordinance. When you did nothing in this regard and you are promulgating 13 ordinances only because the Bill cannot be introduced, had the ordinance not been promulgated. If the Bill is referred to the committee they will study it that is why the Government adopted this tactics and promulgated the ordinance. Now it cannot be referred to the Standing Committee and the Government will have its full say. I, therefore, oppose the very system of promulgating ordinances. The Government should tell the House what steps have been taken for constituting the authority.

Mr. Chairman, Sir, this Act is being misused. I would like to give an example. Shri Chintaman Wanaga who has been elected from Dahanu S.C. constituency, his

block was declared as ecological fragile under this Act by the Government. In the whole Maharashtra in one tehsil where there is 86% green cover and forests, all the industries were banned. The ban has not only been imposed in Dahanu block but around 25 km area outside this block also. The Tarapur Atomic Plant comes under my constituency. No further work can be taken up there. No repair work can be done in the M.I.D.C. industrial colony situated there. Time has come to look into all these aspects. Mr. Pilot is not here, he has assured us to look into all these points, when there was a Government led by Shri Chandra Shaker and the day this Government tendered its resignation, Mrs. Maneka Gandhi was the Minister of Environment and she issued a notification imposing ban on setting up industries in Dahanu block. The Government did not have the right to do so in that block. We have been requesting for the last five years to lift this ban. Naxalites activities are increasing there because the people are not getting employment. Because the Supreme Court had given a judgement in this regard so I asked a question in this connection. The court directed that a committee should be constituted for Dahanu block. The Government have given this reply on 11th March. I would like to read out the following two sentences.

[English]

As per the directive of the Supreme Court the Dahanu Taluka Environment Protection Authority in the district of Thane, Maharashtra has been constituted with the following co-position.

[Translation]

All the names have been mentioned when I asked how much have been done, the reply is :

[English]

Member-Secretary of the Authority has informed that no meeting has taken place so far.

[Translation]

Now some works have been undertaken and the people of that area are getting employment. The Appellate Authority have no time for all these. So I demand that it needs to be reviewed whether the work during the ten years has been done or not Shri Rajesh Pilot, at that time had said that the ban was wrong, and he was lifting the ban. A notification was sent to the Law Ministry but in the meantime, the Government changed and the notification remained unchanged. Now Capt. Nishad is the new Minister and I told him the whole story and he stated that he would look into it. Again the Minister has changed so I would like to state that where there is no need for such ban, it has been imposed, it should be lifted and a dialogue with the people of that area should be initiated. Shri Chintaman Wanaga is the only M.P. of that area. But he has not

been represented in that Committee Shri Sharad Yadav is the working President of Janta Dal and his worker Shri Vilas Vichare, being the member of N.G.O.K., has been included in that Committee. The people's representative of that area should be listened to first. I should be informed of the steps proposed to be taken for cancelling the notification as has requested by Maharashtra Government.

Mr. Chairman, Sir, my second question is regarding section 11 in which it has been said :

[English]

"Any person aggrieved by an order granting environmental clearance in the areas in which any industries, operations or processes or class of industries, operations and processes shall not be carried out or shall be carried out subject to certain safeguards may, within thirty days from the date of such order, prefer an appeal to the Authority in such form may be prescribed."

[Translation]

If you are going to set up any industry or any food industry, no objection certificate from the Authority has to be obtained. Regulation zones within 500 mtrs have been formed under this Act, not only any industry cannot be set up there but even a house cannot be constructed there. There are high tides within this 500 mtrs and there is ban on construction of a house so the fishermen are not allowed to construct their houses. The World Bank and the Central Government have launched a housing project through the Maharashtra Housing Development Authority. The people have purchased plots Rs. 4000/- per square mtr. Three thousand people have applied for no objection certificate but no house can be constructed after the new notification. Where will go the middle class people. That is why I have given this amendment.

[English]

"including those relating to housing, fishing or aquaculture or those providing for civic amenities."

[Translation]

Coastal Regulation zones have been formed for fishing and the area lying under High tide or low tide is called zone-I. This zone will be under the Central Government. There can be aquaculture. There will be fish breeding by stopping the sea water. The traditional fishermen are saying that said under the aquaculture will turned saline. No vegetables or paddy will grow there. So I would like to say that aquaculture zones should not be allowed there. In its verdict the Supreme Court has said that all such aquaculture zones should be destroyed and if these are not destroyed, action will

[Shri Ram Naik]

be taken. Now the question arises as to why the Government encouraged the aquaculture. The Government department has arranged for the loan and nationalised banks have provided loans for aquaculture. But now the Supreme Court has given its verdict against it. The traditional fishermen who catch fish in the deep sea, agitated against this and they have won the case. Because the issue is related to Government action so a Committee under the Chairmanship of Shri P. Murari have been set up. Now, Mr. Thomas Kocheri has launched an agitation against allowing aquaculture. One crore fishermen under the National Fishermen Forum assembled and they demanded that aquaculture should be banned. Some people have started aquaculture which has been banned by the Supreme Court all of a sudden, hence the court should be approached for giving relaxation. Now conflicting demands are coming. The Government should constitute a Committee like that of deep sea fishing and the local M.P. should be included in that Committee so that he could look into all the problems and formulate a suitable policy. In order to look into the matter of C.R. zones a Committee like P. Murari Committee which comprised of 17 members of Lok Sabha and Rajya Sabha, should be constituted to solve this problem. I would like to suggest that in order to sort out this problem a Committee of the Member of Parliament and fishermen of the nine coastal states should be constituted.

Thirdly, Mr. Soz is the new Minister matter regarding the Maharashtra Development Authority has already been discussed with the former Minister and he wrote me a letter on 28 February in which he has said :

[English]

"Dear Shri Naik,

I am in receipt of your letter dated 4th February forwarding therewith a representation from the Association of CRZ Affected MHADA Plot Owners regarding permission of construction under CRZ Regulations. I am having the matter examined and shall revert to you soon.

[Translation]

It is a routine letter. Sir, you belong to Kashmir where there are hills and lakes only but sea is not there. I request you to visit Mumbai to understand this typical problem and discuss it with us and to see the situation in Dahanu and Mumbai yourself and find out a solution. I would not make any comment on as to what decision he takes but would like to say that our M.Ps Shri Sarpotdar and Shri Suresh Prabhu will also support my imitation. It can be beneficial if you come to Mumbai and take stock of the situation there.

Before concluding I would like to tell Shri Bhargavji that like egg fish is also vegetarian. It lives on water that is why it is vegetarian. All the people take fish...*(Interruptions)*. I would not leave the matter here. We have to make arrangements for drinking water and supply of power in the small villages near the sea coasts. We want to construct cremation grounds from the funds under M.P.LADS on the land near the sea coast but for that also 'No Objection Certificate' is required and that certificate cannot not be obtained. If you go to Chaupati in Mumbai, you will come to know that permission from Ministry of Environment is required for constructing toilets there. Civic amenities should be provided in the villages without any difficulty. If you delegate such powers to the Metropolitan Council, the concerned Government, the village Panchayat, I feel that all these facilities can be provided there. While keeping all these points in his mind the Minister should reply and he should also intimate us about the date of his visit to Mumbai. We would welcome him and appraise him of our problems.

SHRI RAJIV PRATAP RUDY (Chhapra) : The issue of environment has never been discussed. Whenever a discussion is initiated on this issue. Jena ji immediately says that the hon. Minister should give his reply ...*(Interruptions)*

MR. CHAIRMAN : Now, Shriballabh Panigrahi will speak. Rudy ji kindly listen to him.

SHRI RAJIV PRATAP RUDY : Mr. Chairman, Sir, I am saying that the issue of environment is always put to giloline. If sometimes any issue regarding environment is brought to the House the Hon. Minister of Parliamentary Affairs says that the discussion of this issue should be concluded here and the concerned Minister should give his reply.

[English]

PROF. SAIFUDDIN SOZ : When my turn comes, I will reply to each and every suggestions.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): The total time allotted is only one hour.

[Translation]

SHRI RAJIV PRATAP RUDY : One hour is not sufficient for this...*(Interruptions)*

MR. CHAIRMAN : It will be discussed at an appropriate time? Why are you so puzzled in this regard? Now listen to Shri Panigrahi ji.

SHRI HARBHAJAN LAKHA (Phillore) : Injustice has been done to the people belonging to scheduled castes and scheduled tribes.

[English]

If you permit, I want to speak on that.

[Translation]

MR. CHAIRMAN : We are discussing here the Bill. I thought that you had given your name for speaking on this Bill.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Sir, we should not worry much about it because this is the maiden Bill of the new Minister in charge of Environment and Forests. Therefore, sufficient time should be given for this and the Minister should also be given sufficient time to answer.

SHRI G.M. BANATWALLA (Ponnani) : I am on a point of order to say that it is not a 'maiden Bill', but it is a 'bachelor Bill'.

SHRI SURESH PRABHU (Rajapur) : Is it a confirmed one?

SHRI SANAT MEHTA (Surendra Nagar) : Sir, it can neither be a 'maiden Bill' nor a 'bachelor Bill' because Bill is a Bill.

SHRI SRIBALLAV PANIGRAHI : Sir, this is indeed a good Bill and, I think, it was overdue.

MR. CHAIRMAN : Are you saying 'good Bill' or 'goodwill'?

SHRI SRIBALLAV PANIGRAHI : Sir, the Bill was overdue and, that is why, I would like to support it. But I have a reservation over the way the Bill has come here. Had it been first referred to the concerned Standing Committee and if detailed discussions would have been held in that Standing Committee, that would have been better.

I do not know whether the Bill that is there to replace the Ordinance which was promulgated is in compliance with the directive of the Apex Court. Mr. Minister, I am yet to understand whether this Bill, which is to replace the Ordinance which was promulgated earlier, has been brought forward in order to comply with the directive of the Apex Court of the country or the Governemnt has brought it forward on its own.

I agree with the learned previous speaker Shri Ram Naik. I also find in the Press that there was a directive given by the Supreme Court in the last week of August - 28th or so - saying that within a month there should be some authority of this nature, at least, established with a retired High Court Judge presiding over it...*(Interruptions)*

PROF. SAIFUDDIN SOZ : I will explain it later. That is a different judgement. That Authority has already been instituted. So, there is a misunderstanding about it.

SHRI SRIBALLAV PANIGRAHI : I do not know whether it was done in a different context. Now, we see

this Bill. The one Authority that has been set up is quasi-judicial in nature. But I do not remember if any Authority has been set up in compliance with the directive of the Apex Court. I shall be very happy if the hon. Minister clarifies this position in the course of his reply.

PROF. SAIFUDDIN SOZ : I will do that.

SHRI SRIBALLAV PANIGRAHI : How many Authorities have been set up since August? At least, in the House we come across only one Authority which has been set up, that too through an Ordinance ...*(Interruptions)*

SHRI RAMESH CHENNITHALA (Kottayam) : Mr. Minister, in the Statement of Objects and Reasons, it has been clearly stated...*(Interruptions)*

MR. CHAIRMAN : Shri Ramesh Chennithala, this is not the way of doing it. You will get an opportunity. Let him conclude now.

(Interruptions)

SHRI MADHUKAR SARPOTDAR (Mumbai North-West) : Is the hon. Minister concerned intervening in between? He says that it is not a judgement of the Supreme Court...*(Interruptions)* He is pointing out that.

SHRI RAMESH CHENNITHALA : Sir, I am on a point of clarification.

MR. CHAIRMAN : Everything is written in the Bill. You will get a chance to speak.

SHRI RAMESH CHENNITHALA : In the Statement of Objects and Reasons, it has been stated :

"In view of recent pronouncements by the Supreme Court in certain public interest litigation cases involving environmental issues, it was considered necessary to take immediate steps to set up an independent body for quick redressal of public grievances."

Subsequently, the Ordinance was promulgated. Do you agree? It is because of the direction given by the Supreme Court that the Ordinance was promulgated. Let it be clarified in the House...*(Interruptions)*

SHRI SRIBALLAV PANIGRAHI : I think there will be no opposition to this Bill. In this Bill, as it is, there are good provision, some welcome provisions ...*(Interruptions)*

MR. CHAIRMAN : Are you taking your seat? I think you are concluding now.

SHRI SRIBALLAV PANIGRAHI : No. I am just beginning my speech. Sir, you know how I begin.

[Translation]

MR. CHAIRMAN : One hour was allotted for this now that time is about to over.

(Interruptions)

SHRI ANANT GANGARAM GEETE (Ratnagiri) : Mr. Chairman, Sir, this is very important subject. So Kindly extend the time by an hour.

[English]

SHRI P.R. DASMUNSI (Howrah) : This is not a light issue. The hon. Minister may feel it is a light issue. But it is concerned with the lives of thousands and thousands of people...(Interruptions)

[Translation]

MR. CHAIRMAN : We are extending time by an hour now.

SHRI P.R. DASMUNSHI : Sir, kindly extend the time allotted to this issue by two hours.

SHRI SHRIBALLABH PANIGRAHI : Sir, allotte a full day for this subject.

MR. CHAIRMAN : All right but it does not mean that the whole day is allotted to you. Kindly conclude soon. The hon. Member has demanded to extend the time by an hour because all of them want to speak on this subject.

[English]

SHRI SRIBALLAV PANIGRAHI : I think the hon. Minister himself is confused about the origin of the Bill.

MR. CHAIRMAN : I think you are not confused. Take your seat, please.

PROF. SAIFUDDIN SOZ : I am not confused. I object to this. Why should he come to that conclusion? This is wrong...(Interruptions)

MR. CHAIRMAN : It is not necessary to respond to every Member. Take your seat, please. Anyway, I think you are not confused.

(Interruptions)

SHRI SRIBALLAV PANIGRAHI : I am absolutely clear about this. Kindly see the Statement of Objects and Reasons. In last August, there was such a directive. The hon. Minister says that it was given in another context. It might be so. Perhaps, it might be given in the context of the tanneries around Chennai. But that Judgement is there. Again, on 11th December, there was a landmark Judgement relating to environment, given again by the Supreme Court. There is a directive given saying that within one month from January 15, the Authority should be set up. That is why, I wanted to know from him as to what is the origin of this Bill. I can quote from the judgment also delivered by the Supreme Court on 11th December. That directive is with regard to the prawn culture in coastal areas. The Collectors, Superintendents of Police and District Magistrates were instructed by that judgment to demolish all such things in the coastal belt. I wanted to know what is there is the backdrop of this Bill. I am not yet clear about it.

There is now an opportunity given to persons, bodies and associations as also to Central and State Governments aggrieved by any order of the concerned authority in certain matters and in certain areas about the clearance of environmental aspects. In some cases, some restrictions are imposed, which according to them, are not tenable, not acceptable and are not in the interest of the industry or the State. In such cases they can come before this appellate authority which is quasi-judicial and independent in nature. The time frame given is thirty days within which appeal can be preferred. If they can convince the appellate authority saying that due to unavoidable reasons appeal could not be preferred within the time-schedule, then another 30 days' time is given.

Now coming to the Objects and Reasons of the Bill...(Interruptions)

[Translation]

MR. CHAIRMAN : What were you doing all this time. You have taken ten minutes.

[English]

SHRI SRIBALLABH PANIGRAHI : Seven minutes are not consumed by me.

[Translation]

And that time is not sufficient. 5-7 minutes are consumed in thought process.

MR. CHAIRMAN : You have already taken more than ten minutes.

SHRI SRIBALLAV PANIGRAHI : One can't speak in this way.

MR. CHAIRMAN : Kindly take care of the House also.

[English]

SHRI SRIBALLAV PANIGRAHI : India has been playing a vital role in the environmental scenario of the world. In 1972 the then Prime Minister of the country...(Interruptions)

[Translation]

MR. CHAIRMAN : 12 or 13 more members want to speak on this bill and one hour is allotted for this.

SHRI SRIBALLAV PANIGRAHI : If you interrupt right from the beginning I can't speak on this Bill.

MR. CHAIRMAN : But there is no need to deliver a long speech.

SHRI SRIBALLAV PANIGRAHI : If it will run like this nobody can speak.

MR. CHAIRMAN : Kindly tell me how much time will you take?

SHRI SRIBALLAV PANIGRAHI : It is so, nobody can speak.

MR. CHAIRMAN : You can speak but kindly tell me how much time do you want.

SHRI SRIBALLAV PANIGRAHI : Allright. I have all regard for the chair, for the person who occupies the chair. There is some thought process and such interference interrupt that thought process.

[English]

If in every sentence there is an interference, nobody can speak. I have all regard for the person who occupies the Chair. If there is a running commentary from there, it is very difficult to do justice...*(Interruptions)*

MR. CHAIRMAN : It is not a running commentary. I take exception to this. This is bad. It is not a running commentary. I am just trying to regulate the proceedings. Other Members are also willing to participate in the debate. I just wanted to know how much time do you want. We have to give opportunities to others also. That is why I wanted to know the time you want to take and nothing more.

SHRI SRIBALLAV PANIGRAHI : You go from here itself.

MR. CHAIRMAN : Please stop arguing. You can just mention how much time you want.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : India's role in the International Conference on Environmental Protection at Rio is important. We should have regard for both the aspects of environmental protection — how to minimise pollution and at the same time to ensure that our developmental process is not affected.

15.00 hrs.

It has got to be eco-friendly development and environmental friendly development. It is not impossible to achieve. We have, therefore, to strike a balance between the developmental aspect and the environmental aspect.

Sir, it is true that when we achieved Independence, the problem of environmental pollution was not there. We were not conscious of that aspect. In our anxiety for faster development, many power plants etc., came up in the heart of the cities. Those things contributed a lot to the pollution of the city lives everywhere. Today we find there is a severe pollution caused by the DTC buses plying in Delhi. We must know, how serious the problem is in our Capital City of Delhi. It is one of the most polluted cities of the world.

15.01 hrs.

[COL RAO RAM SINGH *in the Chair*]

Somebody has also said that Delhi is at number one position in terms of air pollution.

MR. CHAIRMAN : Shri Panigrahi, you have already taken 15 minutes. Please conclude now.

SHR SRIBALLAV PANIGRAHI : Yes, Sir.

On the other hand, we have got some regulatory agencies like State Pollution Boards, etc. In the States. But in many States, they are defunct; they are not well equipped to deal with this increasing menace. And, in some States, they do not have the teeth that is required.

So, now we should review, what is to be done. The Supreme Court have a directive that green benches should be there in every High Court. But after the establishment of this authority, I am afraid, the jurisdiction of every court has been taken away by the authority.

Sir, in the Statement of objects and reasons, we find that the purpose is very limited. Which authority is in charge of monitoring? In my Constituency, the river Ib and river Brahmini are the most polluted rivers. They are in the list of 14 most polluted rivers. But nobody is monitoring that. When I approach the State Boards, they say that the pollution is well within the emission standard. What is this emission standard? Who regulates it? Who controls it? The Chairman of the Board says that they do not have the expertise, the technical experts. So, this is the situation. There is a lot of confusion.

Sir, I will finish by giving a reference to one judgement given by the Supreme Court on 11th December 1996. A writ petition was filed by Shri S. Jagannathan, a well-reputed environmentalist of Tamil Nadu. He has come with the writ petition before the Supreme Court — S. Jagannathan Vs. Union of India and others.

Sir, clearly, the Central Government has been asked to do certain things and take certain steps within some timeframe. But I find, nothing has happened so far. Therefore, I think, there can also be a case of contempt of court in this matter.

I would like to know about the progress made and the action taken in relation to different provisions of this judgement. Such pollution is also affecting the coastal belt of Orissa, prawn culture badly.

Some powerful lobby is working behind it. We have reasons to feel this.

MR. CHAIRMAN : I think, you have made all the points. So, please conclude, now.

SHRI SRIBALLAV PANIGRAHI : Yes, Sir.

There is an interference from some powerful lobby. That is why, in spite of the Supreme Court judgement, the remedial measures are not being taken in this direction. So, it is high time that the Government of India should come forward and they should not remain content with bringing about a Bill of this nature or setting up of such authority only. Much more has got to be

[Shri Sriballav Panigrahi]

done. As I have already said, all the party leaders should be consulted in this matter.

I have come to know that a committee has also been formed in this regard. The scope of that committee should be widened. It should be of more representative nature.

With these words I conclude.

15.04 hrs.

STATEMENT BY MINISTER

Bomb blast at Jalandhar

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MODH. MAQBOOL DAR) : Hon. Members had expressed their concern in this House on March 15th, 1997 regarding the bomb blast outside the Jalandhar City Railway Station on March 14th, 1997 which resulted in the death of seven persons and injury to twelve persons. As per report received from Punjab Government, a bomb blast took place in the parking lot of Jalandhar City Railway Station at about 13.05 hours on March 14, 1997. The bomb exploded a little after the Amritsar bound Shan-e-Punjab train had left the station and while the Flying Mail was approaching it. The bomb exploded at a place where seven to eight cycle rickshaws and a Gypsy Jeep of the Border Security Force were parked in front of the Railway Station. The explosion generated a lot of heat, suffocating smoke and nauseating smell. Six persons were killed as a result of the blast while thirteen were injured. One of the injured succumbed to his injuries in the hospital later.

DGP and other senior police officers rushed to the spot, made arrangements for transporting the injured persons to the hospital and cordoned off the blast site. A search of the area and the Railway Station was also carried out. Later in the evening, forensic experts from Chandigarh and Delhi reached Jalandhar to inspect the blast site and the dead bodies.

Preliminary investigations have revealed that the explosion was caused by an Improvised Explosive Device (IED) which was being carried by one of the victims namely Kamlesh Chaudhary whose leg got severed in the blast. The material collected from the blast site revealed that the crude bomb was possibly housed in a 2 kg. ghee tin which was wrapped around with cotton undergarments. The tin box was in a bag which was held in the hand by Kamlesh Chaudhary. The crude bomb also had a large number of rivets and

iron nails which are commonly available. The casualties caused were mainly because of these rivets which worked as projectiles. The explosive material used appears to be Ammonium Nitrate or Potassium Chlorate which is a low grade explosive. However, this is being ascertained from the chemical analysis of the material found at the site.

The explosive and other material used in the IED, the *modus operandi* and the selection of blast site at Jalandhar points towards the possibility of involvement of the same subversive outfit which had earlier caused or tried to cause explosions at various places in Haryana, Delhi and Punjab. So far no militant outfit has claimed responsibility for the blast.

The security in the State has been beefed up. Passengers and vehicular traffic from Jammu and Kashmir is subjected to random checking. All public places like Railway Stations, cinemas, restaurants and places of religious gatherings are being covered.

Surprise and random checks of the trains coming in from Delhi or from Jammu and Kashmir are also being conducted. Night dominance operations have been launched throughout the State and senior officers move out in the field at night to check for any untoward incidents. Adequate security has been provided to the threatened persons and other sensitive installations in the State. The law and order situation is under constant watch and under control. Our security forces are maintaining strict vigil along the borders to prevent infiltration of militants and mercenaries and smuggling of arms and explosives from across the border.

The virtual rout of separatist elements in Punjab in the recently concluded Sikh Gurudwara Prabandhak Committee elections and subsequently in the State Assembly elections has completed the process of their marginalisation from the mainstream of public opinion in Punjab. As a result, there is demoralisation and desperation among the few remnants of separatist elements and their patrons based abroad who may select soft targets like this to show their existence and to malign the democratic process in the State which has been strengthened by recent elections.

Let me once again assure the House that by proper and coordinated action by all the concerned Central and State security agencies, perpetrators of such cowardly acts would be severely dealt with and not allowed to disrupt the peace and harmony that valiant people of Punjab have established after defeating the evil forces of terrorism and fundamentalism.

MR. CHAIRMAN : Has the Government thought of giving any monetary aid to the next of kin of the deceased personnel?