


73

MINISTRY OF ENVIRONMENT AND
FORESTS

**AIR AND WATER
POLLUTION—
PREVENTION AND
CONTROL**

**ESTIMATES COMMITTEE
1988-89**

EIGHTH LOK SABHA



LOK SABHA SECRETARIAT
NEW DELHI

SEVENTY-THIRD REPORT

ESTIMATES COMMITTEE (1988-89)

(EIGHTH LOK SABHA)

MINISTRY OF ENVIRONMENT AND FORESTS— AIR AND WATER POLLUTION—PREVENTION AND CONTROL

Action Taken by Government on the recommendations contained
in the Sixty-First Report of Estimates Committee (Eighth Lok
Sabha)



Presented to Lok Sabha on 28th April, 1989

LOK SABHA SECRETARIAT
NEW DELHI

April, 1989/Vaisakha, 1911 (Saka)

CORRIGENDA

SEVENTY-THIRD REPORT OF THE ESTIMATES
COMMITTEE (1988-89) ON THE MINISTRY
OF ENVIORNMENT AND FORESTS - AIR AND
WATER POLLUTION - PREVENTION AND
CONTROL.

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<u>Page</u>	<u>Para</u>	<u>Line</u>	<u>For</u>	<u>Read</u>
2	1.10	6	examined	examine
3	1.12	17	Put a coma after , 'collection'	
3	1.13	6	give up	give
4	1.15	1	Add 'that' after , 'stated'.	

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**LIST OF MEMBERS OF THE ESTIMATES COMMITTEE
(1988-89)**

CHAIRMAN

Shri Asutosh Law

MEMBERS

2. Shri Jagdish Awasthi
3. Shri G. M. Banatwalla
4. Shri R. M. Bhoje
5. Smt. M. Chandrasekhar
6. Smt. Chandresh Kumari
7. Shri A. Charles
8. Shri Narayan Choubey
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10. Prof Chandra Bhanu Devi
11. Shri Janak Raj Gupta
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13. Shri Aslam Sher Khan
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15. Shri Dharam Pal Singh Malik
16. Shri Shantaram Naik
17. Dr. Menoj Pandey
18. Shri Sriballav Panigrahi
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23. Dr. B. L. Shailesh
24. Shri A. C. Shanmugam
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26. Shri Surendra Pal Singh
27. Shri N. Sundararaj

28. Shri G. G. Swell
29. Shri Gopala Krishna Thota
30. Shri Ram Singh Yadav.

SECRETARIAT

1. Shri G. L. Batra—*Joint Secretary.*
2. Shri R. L. L. Dubey—*Director.*
3. Shri S. M. Mehta—*Under Secretary.*

**STUDY GROUP ON ACTION TAKEN REPORTS OF ESTIMATES
COMMITTEE
(1988-89)**

1. Shri Asutosh Law—*Chairman*
2. Shri K. S. Rao—*Convener*
3. Shri V. S. Krishna Iyer
4. Shri Shantaram Naik
5. Shri A. Charles
6. Shri P. M. Sayeed
7. Shri Narayan Choubey
8. Dr. Manoj Pandey
9. Shri Ram Singh Yadav.

INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf present this Seventy-third Report on action taken by Government on the recommendations contained in the Sixty-First Report of the Estimates Committee (Eighth Lok Sabha) on the Ministry of Environment and Forests—Air and Water Pollution—Prevention and Control.

2. The Sixty-First Report was presented to Lok Sabha on 21st April, 1988. Government furnished their replies indicating action taken on the recommendations contained in that Report on 11th October, 1988. The replies were examined and the draft report was adopted by the Estimates Committee at their sitting held on 30th March, 1989.

3. The Report has been divided into the following Chapters:—

- (i) Report
- (ii) Recommendations/Observations which have been accepted by Government.
- (iii) Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies.
- (iv) Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee.
- (v) Recommendations/Observations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in Sixty-First Report of Estimates Committee (Eighth Lok Sabha) is given in Appendix. It would be observed that out of 30 recommendations made in the Report 26 recommendations *i.e.* about 86 per cent have been accepted by Government. The Committee have desired not to pursue 3 recommendations in view of Government's reply *i.e.* about 10 per cent. Replies have not been accepted in respect of 1 recommendation *i.e.* about 3 per cent.

NEW DELHI;
March 27, 1989

Chaitra 27 1911 (S)

ASUTOSH LAW
Chairman,
Estimates Committee.

CHAPTER I

REPORT

1.1 This report of the Estimates Committee deals with Action Taken by Government on the recommendations contained in their Sixty-First Report on Air and Water Pollution—Prevention and Control which was presented to Lok Sabha on 21st April, 1988.

1.2 Action Taken Notes have been received in respect of all the 30 recommendations contained in the Report.

1.3 Action Taken Notes on the recommendations of the Committee have been categorised as follows:—

- (i) Recommendations/observations which have been accepted by the Government;

Sl. Nos. 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23; 24; 26; 27; 28; 29 and 30.

(Total 26—Chapter II)

- (ii) Recommendations/observations which the Committee do not desire to pursue in view of Government replies;

Sl. Nos. 1, 10 and 25.

(Total 3—Chapter III)

- (iii) Recommendations/observations in respect of which Government replies have not been accepted by the Committee;

Sl. No. 7.

(Total 1—Chapter IV)

- (iv) Recommendations/observations in respect of which final replies are still awaited;

(Total Nil—Chapter V)

1.4 The Committee will now deal with action taken by Government on some of the recommendations.

Adoption of the Central Act by all States

Recommendation, Sl. Nos. 4 & 5 (Para. 1.28 & 1.29)

1.5 The Committee had pointed out that the Water Act had not been adopted by the States of Arunachal Pradesh, Mizoram, Goa, Nagaland and Manipur.

1.6 In reply thereto the Ministry have stated that Goa and Manipur have since adopted the Act.

1.7 The Committee hope that the Ministry would continue to pursue vigorously with the States of Arunachal Pradesh, Nagaland and Mizoram the matter regarding extension of the provisions of Water Act in those States so that adequate and timely preventive measures to check menace of water pollution are also taken by them.

Violation of provisions of water and air act

Recommendation Sl. No. 7 (Para 1.46)

1.8 The Committee had noted that quite a large number of cases regarding violation of provisions of Water and Air Acts were pending in various courts. While in the case of Water Act the number of pending cases as in November, 1987 was 1314 out of 1602 cases filed, in the case of Air Act the number of pending cases was 105 out of a total of 202. The Committee had accordingly suggested the constitution of Special Courts in States on the pattern of those established in Bihar and Gujarat and had also desired the Government to examine whether the jurisdiction and powers of the special courts were so defined that the parties could straight go in for appeals against their decisions to the High Courts or Supreme Court.

1.9 In their reply the Ministry have stated that other States can also set up special courts on the pattern of those established in Gujarat and Bihar and that UP has set up such a special court. It has also been stated that other States are being advised suitably in this regard.

1.10 The Committee attach considerable importance to integration of environmental considerations in the process of planning for economic development and are of the opinion that offences relating to Water and Air Acts should be severally dealt with. They, therefore, urge the Government to monitor the progress of establishment of special courts in all the States and also examined whether the jurisdiction and parties could go in for appeals against their decisions to the High Courts or Supreme Court, as recommended earlier. The Committee would like to be apprised of further developments in this regard.

*Checking of water pollution***Recommendation Sl. No. 11 (Para 2.13)**

1.11 The Committee had observed that unless the water supply, sanitation and sewerage facilities were duly taken care of, there could be no solution to the problem of pollution from domestic sources. They had suggested that the Central Board should coordinate the activities at least of all Class I and II cities with the State Boards and had also observed that the State Governments should be enjoined upon to ensure adequate clean drinking water in the cities, towns and villages under their respective jurisdictions.

1.12 In their reply the Ministry have stated that water supply and sanitation is a State subject and as such the responsibility of providing safe drinking water and adequate sanitation facilities to people lies with the State Governments and local bodies. In so far as urban water supply and sanitation is concerned, it has been stated that the Ministry of Urban Development provides necessary technical guidance to the needy States in planning and implementation of urban water supply and sanitation projects. The Ministry of Environment and Forests have also addressed the Ministry of Urban Development to lay stress on Central sponsored/coordinated urban water supply and sanitation schemes at least during the VIII Plan. In regard to rural water supply it has been stated that the Ministry of Rural Development is concerned and its main objectives are to supply safe drinking water at the rate of 40 litres per capita per day in all areas for human beings and, in addition, 30 litres per capita per day in desert areas for cattle. The Central Board has initiated a second major survey for evaluation of status of water supply, waste-water collection treatment and disposal in Class I and II cities. Details received in respect of 222 out of a total of 296 Class I cities, and 312 out of a total of 445 Class II are being scrutinized in terms of pollution load, total waste water generated and the population with sewerage facilities, etc.

1.13 The Committee note that subjects of water supply, sanitation and sewerage facilities involve coordination with other Ministries, State Governments, Boards etc. Nevertheless, they are of the opinion that environmental considerations are of paramount importance in tackling the problems and it is imperative that an integrated approach is followed in this regard. The Committee hope that the Ministry would continue to give up top priority in dealing with water supply, sanitation and sewerage facilities and would coordinate with other Ministries/agencies to achieve the desired objectives so that the problem of pollution is countered effectively.

*Effluent Treatment plant***Recommendation Sl. No. 14 (Para 2.25)**

1.14 The Committee had noted that the progress in providing Emission Treatment Plants was slow and that though for some of the major industries like petroleum, iron, pulp and paper etc, regulations had been prescribed and notified years back, ETP schemes had not been executed as yet. Further, the Central Board was also not aware of the progress made in several industries. Even none of the steel industries (all functioning under SAIL) had taken step for implementing emission regulations. They had recommended that in respect of all the industries in the public sector, the compliance of emission regulations might be got ensured in coordination with respective Ministries. The Committee had recommended that a mechanism should be devised to ensure proper functioning of these plants.

1.15 In their reply, the Ministry have stated the Central Board has initiated a major inventerisation of the large and medium scale industries including their present status of effluent treatment facilities.

1.16 The Ministry have given details of petro-chemical, cement and oil sector industries having effluent treatment facilities. The Chairman, Central Board, had a meeting with the Chairman, SAIL, for ensuring compliance of emission regulations for integrated Steel Plants and the latter has agreed to a time-targeted action plan for achieving the standards through reactivation of the various pollution control devices which are not operating presently and identifying additional devices required to achieve the standards prescribed. Compliance of emission regulations by public sector units has also been taken up with the respective administrative ministries. Monitoring of the efficiency of ETP is done through regular submission to the Central/State Board quarterly/monthly report by Industries, regular sampling of effluent discharge by Central/State Pollution Control Boards and through Zonal Task Forces. An Action Taken Plan has also been prepared by the Ministry and circulated to State Governments/State Boards for strict implementation of pollution control for industrial units and the same will be overseen by the Ministry.

1.17 The Committee note that only 4 out of 16 major petro-chemical industries have so far been surveyed for in-depth studies. In respect of Cement Industries out of 94 units 42 are still to comply with consent conditions. They also appreciate that the Ministry have entered into the dialogue with Chairman, SAIL, and concerned Ministries relating to ensuring emission regulations. They desire that urgent steps should be taken to complete the surveys in respect of all industrial units and compliance of emission regulations by Public Sector Units. The Committee feel

that the compliance of emission regulations by industrial units is imperative for the control of pollution in the country and the Ministry should oversee the efficiency of ETPs zealously and periodically at an appropriately higher level. They would like to be apprised of further developments in this regard.

Incentives for installing pollution control equipment

Recommendation, Sl. No. 30 (Para 3.37)

1.18 The Committee had noted that the Government had provided certain fiscal incentives to encourage industrial units to instal pollution-control equipment and had observed that there was scope for enlarging these incentives and accordingly recommended that the Ministry should take up with the State Governments the question of further concessions on sales tax for purchase of pollution-control equipment as agreed to during evidence. They had also suggested that the question of exemption from customs and excise duty on import material for pollution-control should also be pursued with the Ministry of Finance. These steps were considered desirable to help in the conservation of environment.

1.19 In their reply the Ministry have given details of fiscal incentive introduced by the Government so far by way of rebate on cess, depreciation allowance at the rate of 50 per cent on pollution devices and systems, investment allowance at the rate of 20 per cent on installation of new machinery, and exemption of capital gains arising from transfer of buildings or lands, machinery and plant used for purpose of business to encourage industries to shift from urban areas. It has also been stated that procedures will be finalised in consultation with the Ministry of Commerce under Open General Licence so that the industrial units can obtain pollution control systems without much difficulty.

1.20 While the Committee welcome the steps already taken by the Ministry to encourage industrial units to instal pollution control equipments, they regret that Ministry have not reacted to their suggestion that the State Governments should be approached on the question of further concessions on Sales Tax for purchase of pollution control equipments as agreed to during the evidence. This issue should be taken up expeditiously with the State Governments and Committee apprised of the outcome of these efforts. They also desire that the procedures for exemption of customs and excise duty under OGL should be finalised with due promptitude in consultation with the Ministry of Commerce so that industrial units can obtain pollution control systems without much difficulty.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation (Serial No. 2, Para 1.26)

The Committee are happy to note that by amending recently the Air (Prevention and Control of Pollution) Act, 1981, the Government has armed itself with sufficient powers to check air pollution. Some of the provisions of the amended Act envisages *inter-alia* the prior consent, of the concerned State Pollution Board for establishing an industrial plant as obligatory, stricter punishment for violation of Air Act, closure or regulation of any offending industry and obtaining from courts orders restraining any person from causing air pollution by the Pollution Boards etc. The Committee hope that the implementing agencies will now make copious use of these powers effectively to check air pollution by initiating appropriate corrective measures within a time-bound programme.

Reply of Government

The Amended Air (Prevention and Control of Pollution) Act, 1981, was notified on 1.4.88 bringing into force the provisions of the amended Act. Majority of the States have since issued notifications declaring the Air Pollution Control Areas in their respective States without reference to the Schedule of industries in the principal Act. The Schedule was deleted in the amended Act in order to make the ambit of the Act wide without any restriction to particular industries. The Central and State Boards have been advised to take recourse to these new provisions of the amended Act for effective control of air pollution.

[The Ministry of Environment and Forests O.M. No. H-11013/
4/88-CPW Dated 11-10-88]

Recommendation (Serial No. 3, Para 1.27)

The Committee further note that amendment to the Water (Prevention and Control of Pollution) Act, 1974, is also contemplated as the constraints in the implementation of the Air (Prevention and Control of Pollution) Act, 1981, are also being faced in the case of implementation of Water (Prevention and Control of Pollution) Act, 1974. However, for bringing amendments to the Water Act, State Legislatures would have

to pass resolutions under Article 252 of the Constitution and the implementation by States will depend on their adoption of the amending Act and will not be automatic. The Committee have already recommended for inclusion of the subject "water" in the Concurrent List for avoiding this cumbersome procedure. Meanwhile the Committee hope that it will be possible for the Government to bring forth the Amendment Act without any further loss of time.

Reply of Government

The Water (Prevention and Control of Pollution) Amendment Bill, 1988, has been passed in the recently concluded Monsoon Session of the Parliament.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW
Dated 11-10-88]

Recommendation (Serial No. 4, Para 1.28)

The Committee note that with the change in legal status of Arunachal Pradesh, Mizoram and Goa as full fledged States, the Water Act is not applicable until the State Legislatures adopt the Central Act and constitute State Boards. The Committee hope that the matter relating to adoption of the Act and constitution of State Boards will be vigorously pursued with the States.

Reply of Government

The Ministry of Environment and Forests has been pursuing vigorously with these States to constitute Pollution Control Boards. As a result of these efforts, Goa has constituted a Board in July, 1988.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW
Dated 11-10-88]

Recommendation (Serial No. 5, Para 1.29)

The Committee are surprised to learn that even in Nagaland and Manipur, the provisions of Water Act were not extended to them and the States are now being persuaded to adopt the Act. As preventive steps are necessary before critical stage of problem is reached, the Committee hope that these States will also be persuaded to adopt the Act urgently.

Reply of Government

Manipur has since adopted the Act. The matter is being pursued with the other States which have not yet adopted the Act.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW
Dated 11-10-88]

Recommendation (Serial No. 6, Para 1.34)

The Committee note that as a result of interministerial conference held in Baroda in October, 1986, action is being taken to (1) enlist hazardous chemicals, (2) prescribe procedure for manufacture, storage, imports, transport, use and disposal of hazardous chemicals, (3) lay down procedure for location of chemical industries, (4) prescribe guidelines for safety measures, and (5) procedure in case of accidents. With the Bhopal tragedy still green in our memory and its effects yet to be surmounted, the Committee recommend that a time bound programme may be drawn for implementing the decisions taken in the inter-ministerial conference held in October, 1986 and hope that an in-built system will be established for identifying extent and effect of pollution by the hazardous chemicals at the initial stage of utilisation itself.

Reply of Government

Following the inter-ministerial Conference at Baroda, in 1986, several steps have been undertaken to implement the recommendations under the Environment (Protection) Act, 1986. Rules have been prepared for manufacture, storage, import, use, transport and disposal of hazardous chemicals. These will be considered by an Expert Committee at a meeting scheduled to be held on 27th and 28th September, 1988. Guidelines for siting of industries have also been circulated to the Central Ministries and the State Governments. Representatives of the State Pollution Control Boards are members of the Site Appraisal Committee set up in the States as per the safety measures circulated to all the State Governments for enforcing strict safety practices. Guidelines for the preparation of crisis management plans have been requested to set up State Level Crisis Management Groups to deal with chemical accidents. Several States have already formed such groups. There is also a Crisis Management Group for chemical disasters in the Ministry of Environment and Forests.

[Ministry of Environment and Forests O.M. No. H-11013/4/88 CPW
Dated 11-10-88]

Recommendation (Serial No. 8, Para 1.47)

The Committee regret to note that under the Air Act with the exception of Tamil Nadu and to some extent Gujarat, no other State seem to have taken adequate action for implementing the standards prescribed by the Central Board as is evident from the number of cases of violation filed under the Air Act. Despite creation of a special court in Bihar in 1983, the number of cases filed till 1985 was 6 only. Even in Union

Territories for which the Central Board is responsible, the progress in complying with the consent conditions laid down by the Department have been very poor. The positive steps taken by the Central Board for implementing the regulations are not adequate. The Committee expect the Ministry and the Central Board to take note of the situation and initiate appropriate action without further loss of time.

Reply of Government

Pursuant to the recommendations of the Estimates Committee, the Central Board and State Pollution Control Boards have been impressed upon the need for taking legal action against recalcitrant industries. Targets for number of cases to be filed have been fixed for each State under a Special Action Programme. Similarly for Union Territories special action programme has been drawn up for implementation by the Central Board.

The Air Act has been amended to provide powers to the State Governments to give directions to the industries to close down the operation and to the agencies supplying water and electricity to cut off supply of these to the industry. The State Pollution Control Boards and the Central Board have been advised to make use of this provision for effective action. Similarly, powers have been delegated to the State Governments for taking action under the Environment (Protection) Act, 1986.

[Ministry of Environment and Forests O.M. No. H-11013/4/88.CPW.
Dated 11-10-88.]

Recommendation (Serial No. 9, Para 2.11)

The Committee do not consider that the vacancies in the composition of the Central Board for long periods augur well to its smooth functioning. The Committee, therefore, are firmly of the opinion that vacancies in the Central Board should not be allowed to remain unfilled. The Committee would take this opportunity to caution the Government that while nominating the Chairman/Members of the Central Board, care should be taken to ensure that they are environmentalists of proven standards and ability and have deep knowledge and acumen to understand the problems being faced by the country in the field of prevention and control of pollution and measures that should be taken to counter them. The question of making the Central Board more broad-based, representing various interests, has also to be considered in depth in view of the gigantic proportions that the problem of pollution has acquired over the years.

Reply of Government

The observations of the Committee have been noted. This Ministry endeavours to fill up the vacancies of the Board as early as possible. The vacancy created in the Board due to the demise of a member has since been filled.

The suggestion of the Committee to make the Board more broad-based has been examined and the existing membership is considered reasonable to take care of the various objectives of the Water Act and the Air Act.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW
Dated 11-10-88]

Recommendation (Serial No. 11, Para 2.13)

As 85 per cent volume of the waste is generated from domestic sources, the Committee feel that unless the water supply, sanitation and sewerage facilities are duly taken care of, there can be no solution to the problems of pollution from the domestic sources. In this connection the Committee feel perturbed to learn that even Class II cities do not have protected water supply and only 5.4 per cent out of 15.5 per cent of waste water which alone is collected, is given some sort of treatment. The civil works and maintenance relating to drinking water, sanitation, drainage etc. being subjects handled by the local authorities for which financial assistance is provided by the State Governments and the Central Government, the Committee suggest that with due regard to check the pollution effectively, the Central Board should coordinate the activities at least for all Class I and Class II cities with the State Boards, so that steps should be taken not only to provide the facilities but also to ensure that they are duly maintained regularly on a long term basis. It should also be enjoined upon the State Governments to ensure adequate clean drinking water in the cities, towns and villages under their respective jurisdiction.

Reply of Government

Water supply and sanitation is a State subject and as such the responsibility of providing safe drinking water and adequate sanitation facilities to people lies with the State Governments and Local Bodies. In so far as urban water supply and sanitation is concerned, the Ministry of Urban Development provides necessary technical guidance to the needy States in planning and implementation of urban water supply and sanitation projects.

The international Drinking Water Supply and Sanitation Decade Programme was launched in the country on 1st April, 1981 with the following objectives:

- (i) to provide safe drinking water to uncovered towns or uncovered urban areas;
- (ii) rehabilitation of old urban water supply schemes;
- (iii) low cost sanitation to towns other than class I cities;
- (iv) augmentation of water supply systems;
- (v) sewerage facilities to class I cities lacking them at present.

Presently there is no Central sector/Centrally sponsored schemes to accelerate programmes on urban water supply and sanitation. The unprecedented drought during 1987 had also created scarcity of drinking water in the urban areas.

The Ministry of Urban Development has been addressed by the Ministry of Environment and Forests to lay stress on Centrally sponsored/coordinated urban water supply and sanitation schemes at least during the VIII Plan. In regard to rural water supply and sanitation programmes, the Ministry of Rural Development had stated that at the commencement of the VII Plan there were 1,61,722 problem villages which were yet to be provided with safe drinking water facilities out of which 1,00,000 villages had already been covered in the first three years. As part of the objectives of the National Drinking Water Mission, all States/Union Territories have been advised to cover the remaining problem villages by March 1990. An Action Plan to cover 62,008 problem villages and 36,738 partially covered villages has been made and the villages identified. The main objectives are to supply safe drinking water at 40 litres per capita per day in all areas for human beings and in addition 30 litres per capita per day in desert areas for cattle to evolve the cost effective technology to achieve the objectives within the constraints of the Plan Allocation to take such measures for sustained supply and conservation of water and to improve the performance and the cost effectiveness of the ongoing programmes. The implementation of the programmes is being closely monitored through computerised Management Information System.

The Central Board has initiated a second major survey for evaluation of status of water supply, waste water collection treatment and disposal in class I and class II cities. So far, 222 out of a total of 296 class I cities and 312 out of a total of 445 class II cities have provided details which are being scrutinised in terms of pollution load, total waste water generated and the population with sewerage facilities, etc.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW,
Dated 11.10.88]

Recommendation (Serial No. 12, Para 2.14)

The Committee note that the Central Board has established so far 170 monitoring stations on the 14 major rivers to identify pollution sources within the river basins and has a proposal to establish another 230 Water Monitoring Stations by the end of the 7th Plan. The Committee feel that immediate steps are called for to ensure the progress in achievement of research by the targeted date. It goes without saying that follow up action should be taken immediately on receipt of the findings from the Monitoring Stations.

Reply of Government

The original target for the Seventh Plan was to attain a total of 300 water quality monitoring stations. This was raised in 1987 to 400. Out of the additional 230 water quality monitoring stations now proposed to be established by the end of the Seventh Plan, 30 stations have already been established in 1987-88. With the additional 30 stations established, the present number of established stations has increased to 200 where water quality monitoring is continuing. During 1988-89, it is planned to establish another 100 water quality monitoring stations to make the total number of stations to 300. Locations for these stations have been identified in various rivers and the lists of the locations have been sent to all the concerned State Pollution Control Boards to confirm the suitability of the proposed locations.

Analysis of the data received from the monitoring stations has been taken up for preparation of water quality maps of the rivers. On the basis of the information obtained, remedial measures for improving water quality or for prevention of pollution is being taken through the State Pollution Control Boards or the State Governments. An immediate example is the Ganga Action Plan.

[The Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW, dated 11-10-88.]

Recommendation (Serial No. 13, Para 2.15)

The Committee note that the Central Board has been in a position to determine the effluent standards for 24 categories of industries out of which notifications have been issued for 18 categories. Since the State Boards are the implementing authorities of the standards as prescribed, the Committee consider it necessary for the Central Board to play a vital role in coordinating the activities of the State Boards so that the achievements so far made in identification of pollutants and prescriptions of standards do not go waste.

Reply of Government

The Central Board after due consideration by experts and in consultation with the industry publish standards. These are known as the Minimal National Standards and the Air Emission Standards. The Central Board also assist the Central Government in formulation and publication of standards under the Environment (Protection) Act, 1986. In fact, this activity is done in a coordinated manner so that there is no duplication. Under the Rules framed under the Environment (Protection) Act, 1986, the State Boards can adopt more stringent standards than those notified under the Environment (Protection) Act, 1986. The Central Board, in this regard, plays a coordinating role so that standards are implemented properly all over the country.

[Ministry of Environment and Forests O.M. No. H-11013/14-88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 14, Para 2.25)

The Committee regret to note that out of 20 States in which 4054 identified polluting industries are functioning, progress in providing ETPs has been achieved only in the States of Karnataka (95 per cent), Gujarat (86 per cent), and Maharashtra (80 per cent), whereas, States like Andhra Pradesh, Bihar, Haryana, Kerala, Madhya Pradesh, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal etc. are considerably backward in initiating steps for provision of ETPs. The Committee regret to note that even in the Capital of India, i.e. Delhi, out of 63 units which contribute to pollution, ETPs has been installed or under installation only for 16 industries. The Committee also note with anguish that though for some of the major industries like petroleum, iron, pulp and paper, etc., regulations have been prescribed and notified years back, ETP schemes have not been so far executed and the Central Board is also not aware of the progress made in several industries. Unless the emission regulations as prescribed are notified and adopted, the Committee feel that the very objective of prescribing the regulations stands totally nullified. In particular the Committee find that none of the steel industries (all functioning under SAIL) have taken steps for implementing emission regulations. The Committee recommend that in respect of all industries in the public sector, the compliance of the emission regulations may be got ensured in coordination with the respective Ministries.

Installation of ETP may not serve the purpose, unless it is ensured that ETPs are kept in operational state and worked regularly. The Committee, therefore, recommend that a mechanism should be devised to ensure proper functioning of these plants.

Reply of Government

Following the major survey conducted by the Central Board in 1984 on the large and medium scale industries in the country, the Central Board has initiated another major inventorisation of the large and medium scale industries including their present status of effluent treatment facilities.

The Central Board in 1987-88 conducted in-depth studies on 4 of 16 major petrochemical industries in the country. Three of the industries were found to comply with the consent conditions of the State Boards.

In respect of cement industries, the total units complying with consent conditions has increased from 43 (as on September 1987) to 52 units (as of July, 1988) out of a total of 94 units in the country. Out of the 14 oil refineries, 4 refineries have been found to meet the MINAS standards and 5 the standards for air emission. Six refineries have given a time bound programme to meet the effluent conditions. The National Task Force for Oil Refinery constituted by the Central Board met in September, 1988 and action is being initiated in coordination with the State Pollution Control Boards.

Pursuant to the recommendations of the Estimates Committee, the Chairman, Central Board had a meeting with the Chairman, SAIL for securing compliance of emission regulations for integrated steel plants. The Chairman, SAIL, has agreed to a time-targeted action plan for achieving the standards through reactivation of the various pollution control devices which are not operating presently and identifying additional devices required to achieve the standards prescribed.

Compliance of emission regulations by public sector units has been taken up with the respective administrative ministries. In addition, show cause notices have been issued to 7 units identified as polluting the Ganga under the provisions of the Environment (Protection) Act, 1986.

Monitoring of the efficiency of ETP is being done in 3 ways: (i) industries are asked to submit to the Central/State Boards quarterly/monthly reports on effluent quality monitoring, *vide* consent conditions which are renewed subject to the industry conforming to the consent conditions, (ii) Central/State Pollution Control Boards carry out regular sampling of effluent discharge and variations if noted are conveyed to industries which are directed to adopt such other measures so as to meet prescribed standards, (iii) Zonal Task Forces have been constituted to implement the standards prescribed for major categories of polluting industries. In addition, an Action Plan has been prepared by the Ministry and circulated to all State Governments/State Boards for strict implementation of pollution control

for industrial units identified in their States which require stringent monitoring. The implementation of the Action Plan will be overseen by the Ministry.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW,
dated 11-10-88.]

Recommendation (Serial No. 15, Para 2.33)

The Committee consider that there is an imperative need for very close liaison and coordination between the Central and State Pollution Control Boards as according to Ministry's own admission, most of the State Boards are deficient and ill-equipped to combat the air and water pollution menace which has since engulfed the whole country. While agreeing that there may be variations from State to State for implementing various plans and schemes for combating this evil with due regard to local conditions, the Committee, nevertheless, feel that there should be consensus on the overall approach in this regard. In Committee's opinion the collection of data and processing it on scientific footing are the first basic needs in this direction. The Central Government may like to initiate modern methods of collection and processing of data by computerising the whole process in phases. It is needless to emphasise that there should be regular exchange of data between the Central Board and State Boards so that they are able to keep themselves abreast of the problems cropping up from day to day and find solutions for the same. Such data when received from the State Boards, should be carefully analysed by the Central Board and loopholes plugged wherever necessary.

Reply of Government

It is stated that the conferences of chairmen and member secretaries of the Central and all State Pollution Control Boards are held every 3-4 months to exchange views on the various pollution control problems. These conferences are useful in the uniform implementation of the programmes, plans and schemes for controlling water and air pollution throughout the country. These conferences also help evolve a uniform approach and consensus in the matter of strategies to be adopted at the national level for controlling pollution. At present, the Central Board has established computing facility in which data collected by the various State Boards are being processed. A conference was convened by the Central Board on Feb. 26, 1988, to apprise the representatives of the State Boards on the facilities available in the Central Board and to evolve a plan of action

for application of computerisation in the State Boards. The salient features of the plan so evolved are the following:—

- Procuring compatible computer systems by all the State Boards as per the standard specifications provided by the Central Board.
- Establishing nation-wide network to connect Central and State Pollution Control Boards with the help of National Informatics Centre, Department of Electronics.
- Providing softwares and application packages to all the State Pollution Control Boards.
- Training the computer handling staff of all the State Pollution Control Boards.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW,
dated 11-10-88.]

Recommendation (Serial No. 16, Para 2.34)

The Committee note that regular conferences are held between the functionaries of Central Board and the State Boards for exchange of views and chalking out a common strategy to help solve the problem. The Committee, however, feel that such conferences are of little use unless follow-up action is initiated on the outcome of such conferences in right earnest. The Committee recommend that suitable methodology and machinery should be evolved to implement the decisions taken at such conferences.

Reply of Government

Decisions taken at the conferences of the functionaries of Central Board and State Boards are processed and followed up properly for implementation. Recently under the Reorganisation Plan, a Planning Division has been established in the Central Board comprising technical staff which function as the focal point for initiating follow-up action on the decisions taken at the conference of Chairmen and Member Secretaries.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 17, Para 2.40)

The Committee have been informed that based on norms devised by the Central Board, the assessment of requirement of manpower has been

made by various States. Notwithstanding this position, the Committee are amazed to find that the demands made by the States are substantially in excess of the manpower as assessed by the Central Board it is equally surprising to the Committee that even in States where the existing staff is far in excess of the assessed requirements, the State Boards concerned have come forth with request for substantial additional staff. The Committee recommend that pending a review of proposals, reasonable and timely assistance on the needs of the State Boards will go a long way in implementation of pollution control measures and hence recommend that in those areas, where the shortfall has been assessed by the Central Board may be provided without delay to make up the shortage.

Reply of Government

The requirement of the staff of the various State Pollution Control Boards had been discussed with the representatives of the various State Boards and the Central Board. The financial requirements of staff including the scientific and the field staff, requirements for equipment have been reviewed and grants have been released. These requirements have been assessed on certain specified norms and the priorities of the activities identified by the various State Boards. The assistance provided till date will strengthen the manpower requirements and infrastructure facilities substantially. Monitoring of utilisation of grants released to the State Boards has been initiated. This kind of financial assistance is an on-going process for strengthening the State Departments of Environment and State Boards with technical staff and equipment.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW,
dated 11-10-88.]

Recommendation (Serial No. 18, Para 2.43)

The Committee note that as against the existing manpower strength of about 700 persons in the various State Boards, training has so far been imparted to only 410 personnel. If the drop out from the State Boards after the training are duly taken note of, the number of persons that are yet to be trained would be considerable. The Committee expect that suitable steps would be taken to give adequate training to all the personnel by a time bound programme.

Reply of Government

A number of training programmes have been initiated since the review made by the Estimates Committee. For instance, a four month long training course for the State Board personnel in instrumental analysis of

pollutants has been completed. Two training programmes on air pollution assessment taking into account meteorological factors and biological treatment systems have been conducted. A week long training programme on environmental impact assessment has been held in May, 1988. A project on bio-monitoring has been taken up with the assistance of the Government of Netherlands under Indo-Dutch Cooperation in which State Board personnel will be trained. With the WHO funds, 20 scientists from the Central and State Boards were taken for field visits within the country for one month to study various aspects of industrial wastes and their treatment. In addition, State Boards' personnel are being trained under WHO fellowships and ODA fellowships in other countries and the UK respectively.

Training is a continuing process and every effort is being made to benefit from the various training programmes both within the country and abroad.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW,
dated 11-10-88.]

Recommendation (Serial No. 19, Para 2.44)

The Committee regret that no assessment of the subsequent jobs entrusted to the trained personnel have been conducted considering the extent of expenditure incurred on the training, the Committee feel that training should be utilised for the purpose for which they are trained for a prescribed number of years and for this purpose, if necessary, the feasibility of undertaking bonds from the trainees may be considered.

Reply of Government

The State Boards regularly depute its staff for the training in fields such as environmental engineering, monitoring and analysis of effluents and gaseous emissions. After completion of the training, the Boards generally see that the trainees are posted at appropriate posts where the knowledge obtained during the training is utilised. Some State Boards, in addition, organise special courses for staff of the Board. The State Boards of U.P., Rajasthan, Andhra Pradesh, Gujarat, Punjab and Haryana have been taking bonds from trainees sent for training as suggested by the Committee. The State Boards of Himachal Pradesh and Tamil Nadu have initiated necessary action for taking bonds from the trainees.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 20, Para 2.43)

The Committee also recommend that a system of periodical refresher courses on the latest trends on pollution control management of specified industries may be considered for the benefit of the technical staff of the State Boards and the Central Board.

Reply of Government

The recommendations of the Committee for holding refresher courses on the latest trends on pollution control management of specified industries have been noted for implementation.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW
Dated 11-10-88.]

Recommendation (Serial No. 21, Para 2.54)

The Committee note that during the Sixth Five Year Plan the Central Board had proposed funds to the extent of Rs. 2.65 crores not only for development of Central Laboratory facilities, but also upgrading the State Board laboratories. However, the actual expenditure was only Rs. 0.76 crores. In view of the fact that the utilisation of funds has been so poor during the 6th Plan, the Committee find it difficult to understand the logic behind inordinate delays that have taken place in providing laboratory facilities, etc. to the State Boards for all these years. The Committee, therefore, need hardly emphasise that the pollution control can become a reality only if and when the State Boards which are the agencies to implement the Acts by direct action, are suitably equipped to do so. The Committee, therefore, recommend that provision of assistance to the State Boards can brook no further delay and would need to be provided immediately. Apart from providing financial assistance, the Central Board should oversee the manner in which the funds are utilised by the State Boards so as to ensure reasonable coordination on the achievements made in the States.

Reply of Government

The Central Government, since the evaluation by the Estimates Committee, has provided assistance to the State Boards during 1987-88 to the tune of Rs. 2.6 crores. The Central Board has financed and made available a document giving specifications for the various equipment to be procured by the State Boards to strengthen the laboratories of the State Boards. The Central Board is also funding the State Boards for establishing air quality monitoring stations and measurement of water quality. During 1987-88, Rs. 39.55 lakhs were disbursed to the State

Boards and it is proposed to fund a sum of Rs. 105 lakhs in 1988-89. The Central Board constantly interacts with the State Boards in the utilisation of these funds.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 22, Para 3.9)

The Committee consider it unfortunate that under estimation of non-plan expenditure and over-estimation of plan expenditure is a regular feature with the Ministry. The reasons advanced by the Ministry for this phenomenon are totally unconvincing. So far as non-plan expenditure is concerned, the Committee do not understand why the expenditure on additional dearness allowance and implementation of the recommendations of the Fourth Pay Commission could not be anticipated in advance and provisions made accordingly. So far as plan expenditure is concerned, it is really shocking that in the case of very large number of schemes, funds, have been provided year after year without a single rupee having been spent thereon. In the case of some other schemes, the expenditure has been much less as compared to the provisions made for the same. The Committee need hardly stress that funds once provided in the budget should not be allowed to be frittered away and every effort should be made to utilise the funds gainfully as any delay in execution of schemes will only lead to cost escalation. The Committee would also emphasise upon the desirability of imposing financial discipline while preparing the budget and it should be ensured that that it is on realistic basis. The Committee would also like the Ministry to identify the causes which lead to huge shortfall in the expenditure incurred on the implementation of various plan schemes and take necessary corrective measures wherever necessary.

Reply of Government

Observations of the Committee have been noted. The Ministry of Environment and Forests have also since carried out certain exercise in consultation with Planning and Finance Divisions so that these observations are taken care of in future. The reasons for shortfall in the expenditure have also been gone into so that corrective measures could be taken. An exercise to monitor the expenditure—both Plan and Non-Plan—is underway so that such shortfalls do not recur.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW
Dated 11-10-88.]

Recommendation (Serial No. 23, Para 3.15)

The Committee are surprised to find that the Central Board has been preparing budget estimates for amounts substantially in excess of the actual allocation, notwithstanding the fact that the Central Board must be aware of the plan outlay in each of the plans. The prepared budget for Rs. 641.39 lakhs for the Sixth Five Year Plan, whereas the outlay provided by Government and released to the Central Board was to the extent of Rs. 259.50 lakhs only. The Committee, therefore, do not understand the logic behind the preparation of estimates which have no relation to the plan targets. While there may be no objection for the Central Board to keep in reserve schemes which can be taken up for consideration if additional funds could be tapped, the Committee find no justification for inclusion of such schemes in the outlay itself when they have not been cleared for inclusion in the plan programme. The Committee, therefore, would urge that close coordination between the Ministry and Central Board should be strived at; not only for the preparation of budget on a realistic basis but also for implementation of schemes for which funds have been allocated.

Reply of Government

The observation of the Estimates Committee on the importance of Budget Estimates for each year to be in conformity with the plan outlay will be followed carefully in future. In regard to the Committee's observation that the Central Board drafted the Sixth Five Year Plan for Rs. 641.80 lakhs whereas the outlay provided by the Government and released to the Central Board was only Rs. 259.5 lakhs, it is submitted that the plan outlay for the Sixth Plan, as a whole was prepared quite in advance setting out a number of projects to be undertaken during the plan period. The estimates also prioritised the various items that are to be taken up. When this budget was discussed with the Ministry of Environment and Forests and later with Planning Commission, reduction in the fund was recommended in the light of the various other programme undertaken by the Ministry. In this exercise of pruning, certain lower priority items got deleted and plan allocations finalised. Depending upon this allocation, budget for individual financial years within the Plan periods was prepared. Since the beginning of the Seventh Plan period, close coordination is being maintained between the Board and the Ministry in the preparation of Budget Estimates for the plan as a whole and for individual financial years as well. In future plans, close coordination will be adopted with the Ministry and other concerned agencies so that the priorities for different programmes and projects are taken into consideration.

while finalising the budgetary requirements. They will be reviewed at regular intervals.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW,
dated 11-10-88.]

Recommendation (Serial No. 24, Para 3.16)

The Committee would also like the Ministry to examine whether the form of accounts should be so prepared so as to indicate expenditure actually incurred on each scheme in order to facilitate study of projection of physical and financial targets vis-a-vis achievements. It has also to be examined whether the auditing of accounts by the auditor as provided in the Water Act is adequate or needs any change.

Reply of Government

Based on the observations made by the Estimates Committee, new procedures have been laid down, a rigorous monitoring schedule is being introduced to oversee the expenditure incurred by the Board vis-a-vis the grants released. Similar procedures are also being adopted with regard to the review of expenditure made by the different wings of the Ministry. The procedure of audit is under examination.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 26, Para 3.27)

The Committee note that some States have not been collecting water cess as required under the Act. The cases of West Bengal and Assam are particularly conspicuous as these were two of the twelve States which had passed enabling resolutions under Article 252(i) of the Constitution authorising Parliament to pass legislation relating to water pollution but surprisingly started collecting cess only during 1983-84 and 1985-86 respectively. The Committee urge the Ministry to impress upon all the States to collect the water cess regularly as the money thus collected is intended to augment the resources to control pollution in their areas.

Reply of Government

The direction of the Committee has been noted. The matter has been taken up with the concerned State Boards.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 27, Para 3.28)

The Committee appreciate that the money collected under the Water Cess Act, which was hitherto passed on to the State Pollution Boards through the State Governments, would now be sent to the State Boards directly.

Reply of Government

Action has already been taken to send the money directly to the State Boards. This system will continue.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 28, Para 3.29)

The Committee also note that 17½ per cent of the net proceeds of the water cess are retained by the Central Government for distribution among Central Board and State Boards as discretionary grants for specific works/projects of inter-State importance. The Committee hope that due care would be taken before releasing these grants so as to ensure that they are given only for the works/projects on the basis of inter se priority.

Reply of Government

The Committee's recommendations has been noted for implementation. The Central Board has been requested to prepare a plan for utilisation of this amount.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 29, Para 3.31)

Since cess money is required to be credited to the Consolidated Fund of India, the Committee feel that the Central Government has to perform certain watchdog functions in this behalf, notwithstanding the fact that collections are made by the States on behalf of the Central Government. The Committee, therefore, suggest that the position in this regard may be reviewed in consultation with Ministry of Finance. The Committee also recommend that in the annual reports of the Ministry and the Central Board, the overall position on collection of cess and arrears may be reflected.

Reply of Government

The Central and State Boards have reviewed the Water Cess Act in its entirety and have made a number of suggestions for its amendments so as to make the Act viable to work with. This will be further processed by the Ministry of Environment and Forests in consultation with the Ministry of Finance and Ministry of Law and other concerned agencies.

The recommendation of the Committee to include the overall position of collection of cess and arrears in the Annual Report has been noted for implementation.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 30, Para 3.37)

The Committee note that Government has provided certain fiscal incentives to encourage industrial units to instal pollution control equipment. These incentives include Depreciation Allowance at the rate of 30 per cent, rebate of 70 per cent on cess levied under the Water Cess Act, 1977, and exemption from tax on capital gains for shifting of industries from congested areas. However, as admitted by the Ministry during evidence, these incentives by themselves have not encouraged industries to install effective pollution control equipment. Viewed in this context the Committee feel that there is a scope for enlarging these incentives and recommend that Ministry should take up with the State Governments the question of further concessions on Sales Tax for purchase of pollution control equipment as agreed to during evidence; the question of exemption from Customs and Excise duty on import materials for pollution control being also to be pursued with the Ministry of Finance. These concessions, in the opinion of the Committee, would not only go a long way in encouraging the industrial units to instal pollution control equipment, but ultimately help in the conservation of environment.

Reply of Government

Several schemes have been introduced by the Government to provide fiscal incentives: (i) under the Water Cess Act, it is provided that where any person or local authority liable to pay cess installs any plant for treatment of sewage or trade effluent to the satisfaction of the Board, such person or authority shall be entitled to a rebate of 70 per cent on the cess, (ii) a depreciation allowance at the rate of 50 per cent on pollution devices and systems is given, (iii) an investment allowance at the rate of 20 per cent for installation of new machinery is given,

(iv) capital gains arising from transfer of buildings or lands, machinery and plant used for the purpose of business are exempt from tax to encourage industries to shift from urban areas. Procedures will be finalised in consultation with the Ministry of Commerce under OGL (Open General Licence) so that the industrial units can obtain pollution control systems without much difficulty.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES

Recommendation (Serial No. 1, Para 1.12)

The Committee note that as the subject "water" is listed in the State List, the Central law on Prevention and Control of Water Pollution was enacted by Parliament in 1974 taking recourse to the provisions of Article 252(1) of the Constitution. Had this item been in the Concurrent List, the need for adopting such a cumbersome process could have been obviated. Since the Secretary of the department has agreed during evidence that inclusion of this item in the Concurrent List would be convenient administratively and that the Ministry of Law also endorses this opinion, the Committee would like the Government to consider bringing forth necessary amendment of the Constitution for inclusion of the subject "Water" in the Concurrent List. It is needless to point out that such an amendment will also obviate the necessity of approaching the States again for bringing any further amendments to the parent Act.

Reply of Government

The suggestion to include "water" in the Concurrent List was taken up with the Ministry of Water Resources. They have stated that they do not presently consider it necessary to bring about any change in the present provision in the Constitution of India regarding the subject "water". In any case, the Water (Prevention and Control of Pollution) Amendment Bill, 1988, has been passed by the Parliament in the recently concluded Monsoon Session with the prior adoption of Resolution in two State Assemblies.

[Ministry of Environment and Forest O.M. No. H-11013/4/88-CPW,
Dated 11-10-88.]

Recommendation (Serial No. 10, Para 2.12)

The Committee feel unhappy to find that there have been serious shortcomings in the performance of functions assigned to the Central Board for the Prevention and Control of Water and Air Pollution in as much as these shortcomings have affected such basic activities as pollution emission/discharge and operation and maintenance of pollution control equipment. In this connection, the Committee note that even though the Central Board was set up in September 1974, it commenced reporting its activities only from the year 1976-77. The Committee cannot but regret the lack of initiative or any action by the Board for a period of over 2 years. It is needless to point out that the Central Board is the nodal agency in the prevention and control of water and air pollution. The Committee, therefore, need hardly emphasise that the functioning of the Central Board should be adequately geared up so as to enable the Board to realise its objectives fully.

Reply of Government

Regarding the comments of the Estimates Committee on lack of initiative from the Central Board and progress in pollution control activities during the initial period 1974—76, the following facts may please be considered:

1. The Water (Prevention & Control of Pollution) Act, 1974, was enacted on 23rd March, 1974.
2. The Central Board was constituted only on 21st September, 1974.
3. The Ministry of Works & Housing, Government of India, the then Administrative Ministry appointed the Member Secretary of the Central Board on 28-10-74.
4. The Water (Prevention & Control of Pollution) Rules, 1975, were notified only on 29-2-1975.
5. The Ministry of Works & Housing, Government of India, the then Administrative Ministry, appointed the Chairman, Central Board on 16-8-76.

The Central Board during the initial stages of its formation was engaged in framing the draft Water (Prevention & Control of Pollution) Rules and was engaged in building up the infrastructure required for taking up the various functions assigned to the Central Board through the Water Act.

Recently in 1987, the performance of the Central Board was evaluated and a Reorganisation Plan was formulated wherein the objectives of the Board were clearly delineated and targets were fixed on the basis of objectives of the Board.

Apart from implementing the Reorganisation Plan which ensures structural readjustments for effective functioning, the Board has set up a number of Regional Offices in the field. It is hoped, following this Reorganisation, the Central Board will become more effective as desired by the Estimates Committee.

[Ministry of Environment and Forests O.M.
No. H-11013/4/88-CPW dated 11-10-88]

Recommendation (Serial No. 25, Para 3.19)

The Committee note that as against the total provision of Rs. 427.91 crores for the Seventh Plan, the allocation of funds for pollution control excluding the allocation for Ganga Action Plan, is to the extent of Rs.21.90 crores only, including an amount of Rs. 10 crores on account of cess to be collected and distributed to the States. The Committee are, however, surprised to find that in the first two years of the Seventh Plan itself, the collection and disbursement of cess has already reached a level of Rs. 9.48 crores. It is, therefore, apparent that there has been a substantial under-estimation of account of collection of cess as earmarked in the Plan Outlay. The Committee also find that apart from the achievement made relating to cess, the achievement in all other spheres has failed to keep pace with the provisions made in the Seventh Plan. In particular, the achievements under directly controlled central schemes and the assistance to Union Territories are very low. The Committee, are therefore perturbed to observe that on the one hand the Seventh Plan outlay itself is meagre as compared to the enormity of the problem and on the other there have been huge shortfalls in the utilisation of even these meagre funds. The inadequacy in the planning and budgetary control is, therefore, self-evident from these details, made available to the Committee. The Committee would therefore recommend that an immediate afresh look on the planning process as also the execution of schemes and the financial control exercised by the Integrated Financial Organisation of the Ministry are called for.

Reply of Government

The estimates for the collection of cess have been made based on the collections made by the various State Pollution Control Boards during the initial period of the Sixth Plan. There is a constant stepping up in the collecting of cess from 1981-82. The projection for the Seventh Plan is based on the collection made in the initial years of the Sixth Plan. The State Pollution Control Boards have geared up their activities with regard to the collection of cess and they have shown.

CHAPTER IV

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH GOVERNMENTS REPLIES HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation (Serial No. 7, Para 1.46)

The Committee feel deeply concerned to find that quite a large number of cases regarding violation of provisions of Water and Air Acts are pending in various courts. As in November, 1987, the number of pending cases under the Water Act was 1314 out of a total number of 1602 cases filed. The position with regard to the cases under the Air Act is no better as out of 202 cases filed, so far only 97 cases have been decided and 105 cases are still pending. While these cases may take several years to be decided, the danger from the defaulting industries which in the meantime continue to discharge polluting effluents or emit air pollutants looms large on the lives of the people in the concerned areas. The Committee in this connection welcome the constitution of special courts to deal exclusively with air and water pollution cases and note that such courts have already been established in Bihar and Gujarat. The Committee would like the Government to go in for such special courts in other States also in case the experience from the Bihar and Gujarat courts is encouraging. The Committee would also like to sound a note of caution so far as establishment of special courts is concerned as there is nothing to deter the defaulting parties to go in for appeals to the higher courts against the decision of the special courts. The Committee, therefore, would like the Government to examine whether the jurisdiction and powers of the special courts are so defined that the parties could straight go in for appeals against their decisions to the High Courts or Supreme Court. This may result in obviating some delay in the final outcome of cases.

Reply of Government

The report of the Estimates Committee mentions that Gujarat and Bihar have nominated special courts under the Code of Criminal Procedures to deal with environmental cases. These are like other normal courts with the same procedures regarding appeals etc. They deal exclusively with the pollution control cases. Other States can also set them up under provisions of the Code of Criminal Procedure in consultation with the High Courts. Recently Uttar Pradesh has set up such a special court. The other States are being advised suitably in this regard.

[Ministry of Environment and Forests O.M. No. H-11013/4/88-CPW
Dated 11-10-88]

CHAPTER V

**RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH
FINAL REPLIES OF GOVERNMENT ARE AWAITED**

—NIL—

NEW DELHI;
March, 30, 1989
Chitra 9, 1911 (S)

ASUTOSH LAW
Chairman
Estimates Committee.

APPENDIX

(Vide Introduction of the Report)

Analysis of Action Taken by Government on the 61st Report of Estimates Committee (Eighth Lok Sabha)

I. Total number of Recommendations	30
II. Recommendations/Observations which have been accepted by Government :	
(Nos. 2, 3, 4, 5, 6, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30).	
Total	26
Percentage	86%
III. Recommendations/Observations which the Committee do not desire to pursue in view of Government replies :	
(Nos. 1, 10, 25)	
Total	3
Percentage	10%
IV. Recommendations/Observations in respect of which Government's replies have not been accepted by the Committee :	
(No. 7)	
Total	1
Percentage	3%
V. Recommendations/Observations in respect of which final replies of Government are still awaited.	

Nil

**LIST OF AUTHORISED AGENTS FOR THE SALE OF LOK SABHA
SECRETARIAT PUBLICATIONS**

Sl. No.	Name of Agent	Sl. No.	Name of Agent
ANDHRA PRADESH		UTTAR PRADESH	
1.	M/s. Vijay Book Agency, 11-1-477, Mylargadda, Secunderabad-500361	12.	Law Publishers, Sardar Patel Marg, P.B. No. 77, Allahabad, U.P.
BIHAR		WEST BENGAL	
2.	M/s. Crown Book Depot, Upper Bazar, Ranchi (Bihar)	13.	M/s. Manimala, Buys & Sells, 123, Bow Bazar Street, Calcutta-1.
GUJARAT		DELHI	
3.	The New Order Book Company, Ellis Bridge, Ahmedabad-380006. (T.No. 79065)	14.	M/s. Jain Book Agency, C-9, Connaught Place, New Delhi (T.No. 351663 & 350806).
MADHYA PRADESH		15.	M/s. J.M. Jaina & Brothers, P.Box 1020, Mori Gate, Delhi- 110006. (T.No. 2915064 & 230936)
4.	Modern Book House, Shiv Vilas Palace, Indore City. (T. No. 252289)	16.	M/s. Oxford Book & Stationery Co., Scindia House, Connaught Place, New Delhi-110001. (T.No. 3315308 & 45896).
MAHARASHTRA		17.	M/s. Bookwell, 2/72, Sant Niran- kari Colony, Kingsway Camp, Delhi-110009. (T.No. 7112309).
5.	M/s. Sunderdas Gian Chand, 601, Girgaum Road, near Princess Street, Bombay-400002.	18.	M/s. Rajendra Book Agency, IV-D/50, Lajpat Nagar, Old Double Storey, New Delhi-110024. (T. No. 6415362 & 6412131).
6.	The International Book Service, Deccan Gymkhana, Poona-4.	19.	M/s. Ashok Book Agency, BH-82, Poorvi Shalimar Bagh, Delhi-110033.
7.	The Current Book House, Maruti Lane, Raghunath Dadaji Street, Bombay-400001.	20.	M/s. Venus Enterprises, B-2/85, Phase-II, Ashok Vihar, Delhi.
8.	M/s. Usha Book Depot, 'Law Book Seller and Publishers' Agents, Govt. Publications, 585, Chira Bazar, Khan House, Bom- bay-400002.	21.	M/s. Central News Agency Pvt. Ltd., 23/90, Connaught Circus, New Delhi-110001. (T.No. 344448, 322705, 344478 & 344508).
9.	M&J Services, Publishers, Re- presentative Accounts & Law Book Sellers, Mohan Kunj, Ground Floor, 68, Jyotiba Fuele Road, Nalgaum-Dadar, Bom- bay-400014.	22.	M/s. Amrit Book Co., N-21, Connaught Circus, New Delhi.
10.	Subscribers Subscription Services India, 21, Raghunath Dadaji Street, 2nd Floor, Bombay- 400001.	23.	M/s. Book India Corporation Publishers, Importers & Ex- porters, L-27, Shastri Nagar, Delhi-110052. (T.No. 289631 & 714465).
TAMIL NADU		24.	M/s. Sangam Book Depot, 4378/4B, Murari Lal Street, Ansari Road, Darya Ganj, New Delhi-110002.
11.	M/s. M.M. Subscription Agencies, 14th Murali Street, (1st Floor), Mahalingapuram, Nungambak- kam, Madras-600034. (T.No. 476559).		