

SHRI BASUDEB ACHARIA (Bankura):  
We should have a discussion on this.

MR. SPEAKER: As usual, no problem.

16.35 hrs.

AIR (PREVENTION AND CONTROL OF (POLLUTION) AMENDMENT BILL—*Contd.*

[*English*]

MR. SPEAKER : Shri R.P. Das may speak.

SHRI R.P. DAS (Krishnagar) ; Sir, certain Members on this side have pointed out that rapid industrialisation and urbanisation are the major causes of pollution—air pollution, water pollution, soil pollution and noise pollution. There are also other factors for pollution. The deforestation is one of the major causes for the ecological imbalance and soil erosion also contributed its part to the environmental pollution.

Sir, as the hon. Member on the other side rightly pointed out, our system is a federal system. There was need for cooperation from all the Government and non-governmental agencies to solve our problems and I should say that the Bill has crossed the scope.

I would like to point out one of the provisions. It is at page 3, sub-section (2) of section 8 :

“Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.”

I should say, this very provision which is made in this Bill is beyond the scope of

the air pollution scheme. Under the democratic set up, the relations between the State and the Centre, the relations between the Central Board and the State Board should be cooperative and it is not that the Central Government or the Central Board should direct the State Board to wind up some of the functions that they are doing in their own State.

16.37 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

In this Bill, it has been said that the Central Government can direct the Central Board to perform some of the functions of the State Board. It affects the relation between the State and the Centre. This provision goes against the good relation that should be between the State and the Centre and it will not help much in bringing about cooperation between the Centre and the State. In the scope of the Bill, much cooperation is needed at all levels, namely between the State and the Centre and between other agencies for the proper implementation of the Act.

It has also been pointed out by certain Members that many legislations have been enacted in the country but most of the legislations could not be put to effect to and could not be implemented properly. In this case also, we find that there are two Pollution Acts, one is Water (Prevention and Control of Pollution) Act, 1974 and another is Air (Pre-vention and Control of Pollution) Act, 1981. This Bill is an improvement upon the 1981 Act. In each and every case, we find that the agencies could not properly implement the schemes, the plans of the Centre or the State. It is not due to the short-comings or lacunae in the legislation or due to administrative or practical difficulties as has been pointed out in the Statement of Objects and Reasons, but it is mostly due to lack of funds. Sometimes, we find that State Boards could not do their job properly because of the fact that they do not have much funds. I can quote the example of the State Board of West Bengal. It is spending not more than Rs. 2 crores. It is just below Rs. 2 crores. This amount is not adequate for the State Board to spend on different plans and schemes. Take the

case of smoke. There are smoke nuisance and the so called gas chambers in Calcutta metropolis.

Everybody knows that the people in all the metropolis not only in Calcutta, Bombay, Madras or Delhi but also in London, New York and other metropolis of the West, are the victims of smoke nuisances. This smoke emission from vehicular traffic has been to such an extent that these have also become the so called smoke chambers. It has sometime become so detrimental to the public health and also to other living organism and flora and fauna, that the problem has to be tackled in such a manner and with such expediency that Government has to give higher priority to the implementation of the Act and plans and schemes. But I am sorry to say that the Government both at the Centre and the States could not spend much for the implementation of the plans. This shows we lack in funds and without funds, how can we expect the Central Board and State Boards to function properly? The atmosphere of this earth is becoming hotter every day. During the last 100 years, it has become hotter by 2°C and it is progressively becoming hotter. In the recent decades, it has become hotter by .5°C. By the end of the 21st century, it may become hotter to such an extent that even life may be impossible on earth, and some low-lying areas of this country may go under water due to increased heat. This problem is of such a stupendous nature that it requires to be tackled expeditiously.

I should say that the State Governments, those which are working hard on this subject, should be subsidised with funds so that these Boards could function effectively. It is not enough to say that the State could borrow funds from different agencies by loans, by debentures etc but this borrowing system has been provided in the Bill. It is not a good proposal that the State Boards will be empowered to raise funds by themselves. On the other hand, it will be a good proposition that the State Boards should be subsidised or be funded by the Centre so that the States could work on their plans effectively.

In one of these sections, it has been suggested that the Central Board could give

some staff to the State Boards and it could also help in regard to the setting up of laboratories. About two years back, the Minister in-charge of the Department of Environment, West Bengal Shri Bhabani Mukherjee wrote a letter to the Centre, about a proposal of the State Government. It was in regard to the services of the Regional Labour Institute, Calcutta under the direct control of the Centre. Since it is not possible for the State Government to set up a good laboratory to tackle the situation from its own funds which are meagre.

But it will be much helpful if the Regional Labour Institute, Calcutta, could be used by the State Board as the laboratory for the State for tackling the problems of Calcutta. But nothing happened since then in view of air pollution or other pollutions that are being experienced by the State as well as by different parts of the country. So, I would like to know as to when this particular order would be given to utilise the services of the Regional Labour Institute and that it would function in collaboration with the Central Board. I would like to point out another important thing regarding pollution caused by the Cement Factory at Rajganjpur in Orissa. The Cement Factory is controlled by some Dalmias' Company. It is a Dalmia Cement Factory. This Factory is causing havoc to the agricultural products in and around 10 kms in that area. Agricultural crops are seriously affected in that area. At the same time, the people who are living around the factory are suffering from tuberculosis or other diseases. It has been said that about 35 per cent of the people are suffering from tuberculosis. Take the case of Raniganj-Asansol Coal-belt which has become an hazard for health. It is because of the emission of dust from the Cement factories and emission of smoke from the Durgapur Steel Factory and also from the Thermal Power Projects and Fertilizer Plants, people are suffering from different sorts of diseases in this area. With a view to tackling the situation, the State Government, particularly the West Bengal State Board has been setting up a few Regional Offices. One of such Offices has been set up at Durgapur and also a small laboratory has been added to it. But these offices and laboratories could not



[Shri R.P. Das]

function properly only because of proper equipments and funds. The State Government has also set up another Regional Office at Haldia, Haldia is becoming fast an industrial area. It is coming up very quickly and for that reason the State Board has set up another Regional office here. The other office has been set up at Siliguri. But Siliguri is an important point for tackling the problem of deforestation in the North-Bengal Hills. So, it needs one more office. Two more offices should be set up in West Bengal under the State Board one at Barrackpur and another at Srirampur for tackling this air pollution. All these things need funds. Therefore, I would again request the hon. Minister and the Government that funds should be provided to this Board. Otherwise, these sorts of Plans and Schemes could not work. It is not enough to say that these Boards are to find their own funds by way of raising Loans or Debentures or by some other methods. It is not proper to say that these things could be solved by themselves alone.

With these words, I conclude.

MR. CHAIRMAN : Next, Shri Harihar Soren. I would request the hon. Members to be brief. The hon. Minister will reply at 5.30 p.m. I will try to accommodate as many Members as possible within the time.

[Translation]

\*SHRI HARIHAR SOREN (Keonjhar) : Mr. Chairman, Sir, I thank you very much for giving me an opportunity to speak on this Bill at the fag end of the day. The growing air pollution is a matter of great concern for everybody. Therefore there was really a great need to move the Air (Prevention and Control of Pollution) Amendment Bill. As you are aware the original Air Pollution Control Bill was passed in 1981. But there were certain lacunae in that Bill. That is why the objective of that Bill could not be achieved. Perhaps for that reason the hon. Minister

has brought forward the present Amendment Bill. Now with the passing of this Amendment Bill, I hope there will be no difficulty in taking adequate measures to control increasing air pollution. Of course it was very necessary to take steps not only to control air pollution but water pollution too. Every body is worried about the growing ecological imbalance. When our country achieved independence, our leader gave serious thought to the various problems facing the nation. In order to raise our economic status emphasis was laid on the industrial growth. It was through that with the growth of industry more people can be provided with employment. Sir, many kinds of industries have come up at different places in the country. The industries generated employment, but no industrial unit thought of taking air pollution control Measures. Environmental clearance was not necessary for the setting up of new industry at that time. That is why the air pollution increased manifold. Actually we misutilised the country's mineral wealth and water resources. We did not think of its future impact on our ecology. Hence we are facing the growing air pollution problem today. We did not think of the law of nature. The nature had perhaps made a provision as to what extent of water, air, plants, forest, mineral resources and other natural resources should remain at what stage. When there was a serious departure from that law due to misuse of air and water and due to growing destruction of ecology all these problems arose. However, it is heartening to note that our scientists have given a serious thought to the preservation of our environment. They have introduced new ideas to stop further destruction of the ecology. Therefore, I thank those scientists who have made efforts to help the restoration of clean environment and thereby help the mankind.

Sir, in 1972 the National Conference of human environment was held at Stockholm. India was one of participants in that Conference. National Conference on human environment took a serious note of the growing environment problem all over the world and determined to adopt necessary measures to check further degradation of the environment. As a

\*The speech was originally delivered in Oriya.

result of our active participation in that Conference we are today giving serious thought to restoring the ecological balance. I am glad that the hon. Minister has made a lot of efforts to bring forward this piece of legislation which seeks to control air pollution and preserve healthy environment. Sir, we are making different laws to remove the many ills of our society. But our social system is such that we cannot bring about changes merely by making legislation. There are some elements existing in our society who only try to violate the law and they are the main hurdles in the implementation of different laws. So we have to be very vigilant against their activities. Moreover the persons who are in charge of implementing the laws sometimes do not take much interest in performing their duties and responsibilities. Therefore, it is very necessary to get the cooperation of the public as well as the Govt officials and different voluntary organisations if we have to implement the provisions made in this Bill. Our media too should play a useful role. Because our people are illiterate and they are not aware of the serious problems they have been facing due to air pollution and all kinds of ecological problems. Everybody in our society today is very much concerned about safeguarding his own interest. Therefore I would like to suggest to the Govt. to take all possible steps to create the necessary awareness among the people around us. The vested interests who are responsible for destroying the ecological balance should be thoroughly exposed. No body has a thought for the well being of man kind and of our society. The mine owners, the industrialists and the management of the factories do not bother about the people and keeping the air free from pollution. They only want that their Company should earn profit. They do not think of the poor people working in their establishment. Therefore, while implementing the laws, we should also create awareness among the masses so that they can help us in successfully implementing the Act and also in achieving our goal to restore ecological balance. I request the hon. Minister to take stringent action against the people who deliberately violate the law and at the same time mislead the people. Media should be actively engaged in creating awareness among our people. Sir, we may not get

the opportunity to breath the fresh air or we may not live to derive the benefit of this Act but we should see that our future generation is benefitted. For that I would like to suggest to the Govt to introduce courses of study in environmental curriculum in schools so that the students at school level can have proper knowledge about the environment. They will help in maintaining the ecology so that they can lead a happy and healthy life. If the pollution of air and water increases at the present rate, we do not take steps to control the air and pollution the world will soon lead to destruction. Take the case of natural calamities our country and other countries also have been experiencing flood, drought, cyclone, earthquake or the natural calamities of some kind or the other every year. These calamities take a heavy toll of lives every year. The growing destruction of forest is one of the main reasons for these natural calamities. I am happy to say that our Govt have rightly realised this problem and taking necessary steps to check the further degradation of forest. But after passing this Bill and implementing the various provisions thereof, Govt should take steps to change the attitude of the people. While providing education both at schools as well as at college level due emphasis should be given on environmental education and stringent action should be taken against the elements who destroy our forest wealth.

Then I would like to say something about my constituency. Sir, I represent Keonjher constituency of Orissa. There are many industrialists in the public as well as the private sector in my constituency. Recently some sponge iron plants have been established in Keonjhar district. These plants have not taken adequate air pollution control measures. As a result of that the air around the plants have been polluted. It has very adverse impact on the growth of forest. The people around the villages are suffering from T.B. and other Cancer like dreaded diseases. The chrome plant set up at Joda has also not taken adequate air pollution control measures. Thousands of workers employed in that plant and working in the nearby mines are now the victim of different diseases by breathing polluted air. They are mostly tribals and come from the weaker section



[Shri Harihar Soren]

of the society. So in order to save them from untimely death it is necessary to advise these plant managements to take up immediate air pollution control measures. The other industries set up in Keonjhar have also not taken steps to control air pollution. I request the Minister to direct those industries to take steps to check air pollution. As the above plants and industries are located in a tribal district, it is very necessary to expedite the air pollution control measures. Therefore, I urge upon the Govt to intervene and see that those plants authorities observe the provisions made in the Bill and restore the ecology of the area.

With these words I conclude my speech.

**SHRI MOHD. MAHFOOZ ALI KHAN (Etah)** : Mr. Chairman, Sir, this Bill has been under discussion in this House since yesterday. Both of our Forest Ministers are present here. The way trees are being felled mercilessly cannot be explained in words. The Forest Department and the Police, both are involved in this act. If a complaint is made to the D.F.O. about the felling of a tree, he simply turns a deaf ear to it. If the matter is reported to the S.H.O., he also pays no attention to it. The reason therefor is that the S.H.O. gets 20 per cent and the Department 25 per cent out of the sale proceeds.

Members of Parliament from Uttar Pradesh are also present here. They would support my contention that green trees are being felled indiscriminately without any note being taken of it by anybody. It naturally causes pollution. Carbon-dioxide is being generated and Oxygen is conspicuous by its absence. It has had adverse effect on the rainfall also due to which the drought has occurred. In this connection, I would like to request that the officers should be pulled up. Enquiry should be held against unscrupulous officers and they should be removed from service. The officers should be pulled up so that they perform their duties properly and listen to public grievances. The Government should take necessary action in this regard.

The smoke emitted by factories is a source of constant irritation to the people.

While granting permission to the mill owners to set up the mills, no decision is taken about the location of the mills. As such, the factories are being located in the vicinity of the residential colonies. As a result, various diseases break out and the poor people are suffering a lot. But there is none to see to these things.

Traders are becoming millionaires. But no help is being provided even for medical treatment to the workers who suffer from various diseases resulting from the pollution caused by these factories. No attention is being paid toward this also.

Mr, Chairman, Sir, mills and factories should be set up at places far away from the residential colonies. Our country has not developed so far. These things are taken due care in foreign countries.

The smoke emitted by the buses of Delhi Transport Corporation is also equally nauseating. This also pollutes the air.

Furnaces in Kanpur and Firozabad also emit large quantities of smoke which pollutes the atmosphere of the entire locality. The poor people, after working for 3 or 4 years in those factories, fall victim to diseases like T.B. and cancer. Insanitary conditions prevailing in those factories are really beyond description. I would like to know as to why these factories are not being set up far away from residential areas. Why are these poor people being subjected to lead such a wretched life ?

I would like to tell you from my own experience. 'Kampila' Tobacco is grown in my area. Our hon. Minister Shri Ansari is very fond of hukka. I had offered him hukka. In this connection, I would like to tell Shri Ansari that these factories emit smoke. When people inhale this smoke, it enters their stomach and they fall ill. One day, I was sitting beside a doctor of my area. He said that 75 per cent patients suffer from T.B. It is a fact that out of 80 patients he checked up before me there, 60 were T.B. patients.

Two types of tobacco are being manufactured there. One is meant for smoking and the other for chewing. Their disintegrators have been set up in residential areas.

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI) : That is why you maintain a very good health.

SHRI MOHD. MAHFOOZ ALI KHAN : I am not well. With great difficulty, I am controlling my cough.

About 6 disintegrators have been set up in my locality and they are working. Poor people are suffering and there is no law to protect them. When we requested the S.D.M. of the area to look into the matter, he expressed his inability to do anything. If the administration is not able to do anything, what will the poor people do ?

Hundreds of disintegrators of 'Kundla' tobacco have been set up in Farrukhabad, Etah and Mainpuri. This fact can be ascertained from Shri Khursheed Alam Khan, MP who is not present here. There is a difference of 12 miles only between our constituencies. People are suffering a lot due to the disintegrators set up there. A good number of them contract T.B. and cancer. Therefore, the Government should enact a law enquiring people to set up factories outside the town area and municipal limits. Factories set up in the centre of residential colonies are the great irritants.

Ganga is our sacred river. It passes along the factory area in Kanpur and all the effluents of the factories are thrown into it. Thus, the water becomes poisonous. Even the animals die after drinking this water. The situation needs to be remedied.

In a number of places, factories and power stations have been set up in residential areas. They emit a lot of smoke. Therefore, the Government should draw up a plan to provide some relief to the people and to alleviate their sufferings. Diseases are spreading. Nobody pays any heed to the poor people. Mill owners are running their factories and poor people are facing hardship. Workers have to work to earn their livelihood and that is why they are suffering.

I request that my suggestions may be accepted. Government should enact stringent laws for the factories. Action should

be taken against officers who do not implement these laws. Officers do not take any action these days. Though laws have been enacted, yet they are not being implemented. If the present Bill is implemented, it will solve a number of problems.

SHRI HARISH RAWAT (Almora) : Mr. Chairman, Sir, we had passed the original Act in 1981. Since then whatever our experiences have been and whatever shortcomings have been felt during this period, the hon. Minister has come before the House with certain proposals based on them. I welcome these proposals but at the same time, I request the hon. Minister to bear in mind the fact that at the time of passing the original Bill also in 1981, it was hoped that after the enactment of the Act, pollution in the industries or other areas will be controlled. There have been certain reasons because of which these lacunae remained. The most glaring shortcoming has been that except the public sector units, all other industries have not implemented this Act. What was needed was more attention towards this aspect. The private sector is so powerful that with money it can get any thing done. In the State Boards also you have not been able to appoint competent members. Had this been done, we would have done a lot of things after the enactment of the Act,

Shri Ansari is from Uttar Pradesh and his constituency is near Kanpur. Since 1981, after the enactment of the Act, several industries in Kanpur have been emitting smoke and polluting the atmosphere though law provides that the industries should instal dust-containers. I would like to know from the hon. Minister as to how many industries in the private sector have come forward to implement this provision ? The truth is that no factory has taken effective steps to control emission of smoke from it. And wherever any step has been taken just for the name sake. No factory has either installed new equipment or has adopted the latest technology in this regard.

As for the State Boards, nowhere have they sincerely tried to prosecute any of the big industrialists. A good number of big factories have been set up at the bank of the Ganga. These factories emit smoke and their effluents also fall in the Ganga river. I would like to know from the hon.



[Shri Harish Rawat]

Minister the number of persons prosecuted so far in this connection. I think cases against 2 or 3 persons only have been filed and these too must have been pending in the courts of law for the last so many years. Is there any guarantee that after these amendments these factories will not pollute the air and the cases pending in the courts will be disposed of very soon? I feel that the power of money will make your law ineffective. If you want to implement the provisions sincerely, then you must follow my suggestions.

Secondly, the Boards exist only on paper. You should issue strict instructions in this regard to the States. Shrimati Indira Gandhi and Shri Rajiv Gandhi thought it imperative to enact laws in this regard and instructions were also issued to the States to implement them and constitute Boards. In the first instance, several States did not agree to constitute such Boards and wherever such Boards were constituted, the provisions were not implemented sincerely. In those States, a person was appointed as Director and under him 2 or 4 persons were posted. He was not provided the full machinery needed. The States thought that they have informed the Centre and the Board too has been constituted but what should have been done in reality was not done. Therefore, I would request the hon. Minister to discuss the matter with the Chief Ministers and find out whether the Boards in their States have been equipped with full machinery and manpower. In big States public and private sector industries are polluting the environment. To control these industries effectively, to take action against them, to monitor them and also to get the instructions implemented, it is necessary that the State Boards should be made competent. You said that you will allow them to issue bonds. I do not think that the States are in a position to collect funds for this purpose because they have not been able to mobilise funds through bonds for Electricity Boards and Transport Boards also. One can understand the move if you want to collect funds through Bonds at the Central level and want to distribute the same to the States. If you think that you will be able to mobilise funds through

the State Boards with the help of Bonds, I apprehend that you will be coming again before the House saying that you have not been able to achieve what you wanted and then you will have to extend your help to them.

I would like to submit that if you sincerely want the State Boards to function effectively, then proper staffing and funding should be done for them and for this, if the Centre has to provide funds, it should come forward to do this.

You said that where the State Boards do not function properly, you will take their powers in your hands and you will work in their place, I fail to understand as to how you will function from here in such a vast country. The Labour Ministry has passed so many laws that the hon. Minister may not be able to monitor their implementation. When there is a large number of laws, things start getting complicated. Therefore, what is to be ensured is that the people to whom the Parliament is delegating powers after amending the laws should function properly and exercise their powers in an effective manner. This can be possible only when political will is enforced at the State level also and the political leadership there is asked to work sincerely in this direction.

\*SHRI R. ANNANAMBI (Pollachi) :  
Hon. Chairman, Sir I thank you for giving me an opportunity to speak on the Air (Prevention and Control of Pollution) Amendment Bill, 1987 on behalf of AIADMK.

I am happy to learn that the Govt. has started paying attention to the problems of air pollution after 40 years of independence and 8 five year plans. I consider this as an important measure.

Today, we are seeing with our own eyes the hazards of pollution, the diseases the pollutants are causing and the number of people succumbing to these diseases.

Polluted air causes dangerous diseases like tuberculosis. Many other incurable

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\*The speech was originally delivered in Tamil.

diseases are also caused by air pollution. I, therefore, welcome this timely measure. I congratulate the Hon. Minister for bringing this Bill.

The Bill provides that a person starting an industrial establishment has to obtain prior approval from the pollution control Board. The Bill also provides for stopping water and electricity supply to erring industrial establishments. This will not help. I request the Hon. Minister to make a suitable provision for cancelling licences of entrepreneurs who violate the pollution control standards.

I would also like to suggest another thing. Air pollutants are emitted from many industries. Tanneries, chemical industries, paper mills discharge effluents which pollute water. Poisonous gases emitted from these establishments pollute the air. These pollutants cause many incurable diseases to men. Stringent punishments must be awarded to these establishments.

Even cement industries cause air pollution. The poisonous gases emitted from these industries pollute the atmosphere and cause *tuberculosis*. Fertilizer industries also cause air and water pollution. This affects the health of the public.

If you simply stop electricity and water supply to these companies as punishment for violating pollution control standards, that alone will not do... You must cancel the licences of these companies.

I once again appreciate the Hon. Minister's efforts in bringing this timely measure.

I hope the Hon. Minister will take into consideration all the suggestions I have just made for preventing and controlling air pollution.

With these words, I conclude.

**SHRI SHANTI DHARIWAL (Kota) :**  
I welcome the Bill seeking to amend the Air (Prevention and Control of Pollution) Act, 1981.

Actually, the definition of air pollution is very confusing. As you will find scores of definitions of Socialism, similarly the

air pollution has also not been clearly defined till date. I am of the view that its definition should be clarified stating clearly the things to be included therein.

Noise pollution is also a burning topic now-a-days. In the big cities the noise pollution has reached upto 50 to 90 decibels due to which it is becoming difficult to live peacefully. The contents of the carbon-di-oxide in the smoke coming out of petrol and diesel have increased to such an extent that they have started affecting the brain, lungs' tissues, kidney etc. So much so that even the blood formation is becoming difficult. The smoke is being remitted on the roads by the vehicles in big cities and you have no control over this phenomenon. You should see the conditions prevailing in the slums set up near the industries in the big cities. In the 20-Point Programme one point relates to the improvement of the slums and this point has been in existence since the time of Shrimati Indira Gandhi. But to whom have you entrusted the implementation of this point—to the municipalities which have no money even to pay salaries to their staff? How then will they be able to improve the conditions of the slums? In those slums most of the workers working in the nearby factories reside by constructing kuccha houses. There are no roads and sewerage system in such places. Drinking water taps have been installed near the sewer line and at many places these are in damaged condition. The result is that sewer water enters the drinking water pipe. In this way large scale pollution takes place there. We are not paying any attention to this state of affairs. Our Forest Ministry and the Environment Ministry are interested only in seeing as to which industrialist has applied for which industry so that the file may be suppressed and he may be given a good jolt or in which irrigation project any Member of Parliament, Chief Minister or any other representative of the public is interested so that he may also be given a jolt and the project may not be sanctioned. He has to come to them ten times and request for the sanction of the project. Only then the sanction is given. Such impediments are deliberately created by the bureaucrats with the result that no final decision is taken on any project. At one or the other stage it gets stuck.



[Shri Shanti Dhariwal]

Through a new amendment in the law, you have proposed that unless a letter of intent is issued, no industry would be allowed to be established. It is a very good thing, but some time limit should be prescribed for it. Suppose, I have submitted an application, then decision should be taken on it within a period of 60 days. But if decision on it is not taken within the prescribed time limit, the officers responsible for delay should be punished. Responsibility should be fixed on officers. Unless this is done, no amendment or law howsoever sound it may be, would be of any help. Therefore, Government should pay attention to it.

An hon. Member, Dr. Rajhans, has made a very good suggestion. Certain industries are very harmful and the persons working in them are likely to contract odious diseases. The persons working in such industries should be informed about the diseases they are likely to fall victim to and the places where the treatment of those disease is available so that persons working in such industries could take due precautions. The persons visiting or moving around those industries or workers working in those factories should be informed that they are likely to contract these diseases and they should also be informed about the treatment. It is very essential to inform people about them.

You have formed a Board to check the pollution in river Ganga, It is a very good step, but there are many rivers in addition to Ganga; in respect of which no measures have been taken to check pollution. There is Chambal river in our area, for which a Board should be established. There are many other big rivers for which Boards should be formed to check pollution. Through you, Sir, I would like to submit to the hon. Minister that there are many districts where there are a large number of industries. District level boards should be formed in such districts. The boards should not have only officers as members. Generally, the collector is nominated as the Chairman of such Boards and he does not have any time to attend to such work. If there is any serious situation in the district, he attends to that problem first and he is not concerned with pollu-

tion. The Collectors are transferred generally within one or two years and they are posted at some other places. Public representatives of the persons interested in the environment should be included in the Board. This problem is not going to be solved unless you nominate people's representative in the Board. Only enactment of laws can not bring about any improvement in the environment.

The constituency which I represent is a city having a population of five lakhs. In this city, a coal-based thermal power station is generating 440 MW of electricity and two more units have been sanctioned. Not only two units, you may sanction even 20 units. It is very good, but the site of the Thermal Power Station should be changed. When the coal plant functions the coal ash gets accumulated on the roofs of the houses or two or three cms. of ash gets accumulated in the portion of the house which by chance remains open. In this way the people of the area are being put to a great hardship. Representations have been sent many a time to cover this plant from all sides and to make an inspection of the plant. The plant should be challaned and authorities of the plant should be asked to check the pollution, but no action has so far been taken. As a matter of fact, when the state boards did not follow your directions, you brought forward a new law. You want to have more powers. You may do so, but you must work. What action has been taken by you against the industries about whom complaints are received by you? All the industries, which have been mentioned in the schedule, whether these are fertiliser units, chemical units, ceramics, mining, paper, pulp, textile processing, fertiliser factory or D.C.M. or Kota Thermal Power Station, are situated in my constituency. The five lakh people of the city are experiencing a great deal of difficulties as a result of pollution caused by these industries. Whenever a letter is sent to them to take action in this regard, a reply is sent that we are looking into the matter, but as a matter of fact, no concrete action is taken. Whenever even a minor complaint regarding pollution is received by you, it should be examined on top priority basis and action should be taken against the industrialists and secondly, the new

projects which are likely to be established should not be held up for a long time on the pretext of these laws. The responsibility therefor should be fixed.

With these words, I conclude.

[English]

DR. DATTA SAMANT (Bombay South Central) : I have been waiting for the last three days to talk on this Bill and my number has now come. Anyway, I will not take much time. Sir, my hon. friend has spoken about Gujarat and Ahmedabad only but I feel that the situation is the same all over the country. Pollution is such a subject that nobody is bothered about it, though a number of legislations are passed to prevent pollution. I think, there is already one central legislation. There is state legislation also. In addition there is the Board to take care of pollution. Though all these things are existing, you now say that these are not working. That is the reason why you are adding one more to the list. Though there are so many Acts, no provision is made for funds. You collect the funds through debentures, etc. We have any number of discussions and we talk about a lot of things. But I am afraid, not even a fraction of the fraction of provisions contained in the Act is ever implemented.

I got exact figures and let me quote some statistics. How many laboratories do you have to measure the extent of pollution in the atmosphere? I do not think there are more than 30 or 40 government-recognised laboratories. Can you carry out your work with such a small number? And what about private laboratories? You have to consider all these aspects.

Secondly, are you going to add all the industries? The number of the scheduled industries is 20. You add all the industries. Hon. Minister should realise that there are about 8 lakh small scale units all over the country in addition to about 50 thousand big industries. Then, what about the motor vehicles, which are the maximum pollution contributors as far as air pollution is concerned? In Maharashtra itself there are about 20 lakh vehicles. In the Bombay city itself there are about 10 lakh vehicles. In Delhi 10.5 lakh vans are on the city

roads. What provisions do you have to measure the pollution caused by these vehicles? Do you have any sort of machinery to carry out this type of work? Instead of taking action on such things, we are unnecessarily discussing and wasting the time of the House.

Now, let me come to some of the important industries which are responsible for increasing the level of pollution in the country. The existing number of paper pulp units is about 179 and all these come under private sector, big industry. Not a single unit follows the statutory provisions specified for maintaining certain standards. So is the case with tanneries. I do not know the exact number of tanneries but none of them implements the statutory provisions. There are about 70 fertilizer units out of which only 19 units follow the statutory standards. There are 729 pesticide manufacturing units in the private sector and none of them follows the statutory provisions. Out of 104 cement units only 15 maintain the standards prescribed by the Statute. If not even two or three per cent of the big industries have any regard for prevention of pollution, what can you do? Take the case of sugar industry. Leave aside the question of air pollution caused by sugar industry. But look at the tremendous amount of water pollution caused by this industry. They simply let all the dirty water from the factories flow into the rivers. People and animals drink that poisonous water and die or suffer from various diseases. How are you going to prevent all these things by this Bill? What are you going to achieve by this Bill. You can achieve nothing except getting more power to collect money. That is all that this legislation can do. So, in my opinion having all this academic type of discussions is not going to achieve anything. Of course, I must support the Bill. Otherwise you think that I am opposing it.

I would like to mention just two or three more points. As per this Bill, you are going to get some more powers. That is, if a new industry is to be set up, it should take the permission of the Board. So many Chief Ministers want more and more facilities and industries for their States. They want to be treated as sons-in-law as far as giving facilities to their States



[Dr. Datta Samant]

is concerned. Are you going to force them to implement all the statutory provisions to maintain standards? They all will run away.

I want to mention about the conditions in the textile mill also. Mr. Chairman Sir, you are from Bombay and you know the condition of these mills. There are no fans and people work in dust. A majority of the textile workers suffer from TB. They have no alternative except to work even in such conditions. Otherwise they have to starve. People are prepared to work even for Rs. 5. They are prepared to accept slow poisoning to avoid starvation. That is the fate of the workers in this country. About seven crores of people are unemployed. Every district in the country wants to get more and more industries. Why are you discussing all these things say for example pollution, here? Because, we are a poor country, that is why you are discussing all these things here. Please don't ring the bell.

PROF. MADHU DANDEVATE (Rajapur): If he rings the bell, then, it will become a noise pollution.

DR. DATTA SAMANT: Yes. Now Prof. Dandavate has brought forward a very good point and that is regarding the noise pollution. How are you going to measure the noise? I do not know. Have you got anything to measure the noise pollution? Whom are you going to prosecute?

Regarding gas pollution, you have not kept any provision in the Bill. Your inspector will just go and will say:

[Translation]

You know too much.

SHRI SHANTARAM NAIK (Panaji): Let him speak in low voice so that there will be no noise pollution.

DR. DATTA SAMANT: Okay. Now by means of this Bill, you are taking all the powers. If somebody starts a factory and later it was found that that factory is creating air pollution. That means, you will stop the electricity. You will stop

water and so on. So you are giving all these weapons. Say for example Digvijay Cement Mill. It is in my constituency. It has got a certificate from the Municipality that it is polluting the atmosphere and hence it should be immediately closed. They are not even allowed to explain the facts. They are so intelligent, I mean the industrialists, that they keep everybody including the Politicians in their pockets.

Therefore I would suggest that this Clause should not be included in this Bill. Otherwise, it would hamper the functioning of industries, especially in Bombay.

Now you are saying that you will be allowing anybody to prosecute such people. I am asking you, on what ground? On the contrary, this weapon will be used to collect the money. This thing, you have not clarified anywhere in this Bill. This academic discussion is not going to help. On the other hand, there may be chances of corruption.

You have got many laboratories, but you are going to start only four laboratories on a major scale. For other laboratories, you have not made any provision. The State Governments have to collect money by issuing debentures. This is like *Pooja Chalti hai, Brahman bolte hain*. You collect money. You start the laboratory. You even close the industries. After forty years of Independence, Indian people are drinking dirty water. Unless you do something in this regard, it won't help you.

I have studied the problems of Pollution in Germany and Japan. I would also request the hon. Minister to visit these countries. I have an information regarding a new plant being set up. The name of the plant is Bayer India. The Hon. Minister should visit that plant. In this plant all sorts of gases and other things will be used. This plant is set up to generate more energy. Why don't you instruct the other big industries to have such type of system wherein the pollution can be avoided?

I also praised the German people. They have said that we are doing this thing for the last fifty years. Therefore, I appeal to

the hon. Minister to refer my resolution which I have given, to the Joint Select Committee. Otherwise, mere discussion will not in any way help in tackling all these problems of pollution. If you don't do this, the employers will be using this law only to exploit the people.

Therefore, I would request the hon. Minister to refer it to the Joint Select Committee. Otherwise, we cannot make progress.

**SHRI SHANTARAM NAIK (Panaji) :** Mr. Chairman, Sir, after the Stockholm Conference, we have been more serious regarding the problem of environment in this country. After the Conference, we have amended Article 48 of our Constitution.

Article 48A states :

“The State shall endeavour to protect and improve the environment and to safeguard the forest and wild life of the country.”

It is on the basis of this directive principle enshrined in the Constitution for the future, that we have framed this legislation, and we are amending it from time to time. But I would like the hon. Minister at the outset to consider one simple, basic point. No doubt, details of environmental aspects are there. You are aware of them, and we are also aware. We are discussing them. There are limitations and restrictions. We can understand them. But the first and foremost thing is : Why not have one common, uniform legislation with respect to all matters of pollution, when they have got this Environment Protection Act, 1986 ? In fact, when this Act of 1986 was enacted, we should have covered all the aspects of pollution under this Act, by repealing the earlier Air (Prevention and Control) Act, Water Pollution Act and all other Acts. This would have helped the entire machinery in respect of pollution.

No doubt we have now passed the 1986 Act, and it was a very revolutionary Act. But after the passing of the 1986 Act, there are certain industries which are not following the norms mentioned in that Act,

viz. Environment Protection Act, 1986. Those industries have to be issued notices under the Act, because there are some old industries and old factories which do not have the pollution machinery. So, something has to be done with respect to that. First they have to be given an opportunity to instal new machinery. If it is not done, their difficulties have to be understood, and if they say that they cannot instal this pollution machinery, then you have to arrive at a decision whether to close down that industry or not, because the safeguarding of society's interests is a very important aspect. I would like to know your answer : After the Environment Protection Act, 1986 was enacted, how many such industries have been issued notices ? Is there any industry which has been closed because of non-following of the provisions of the 1986 Act ? After passing the present Air (Pollution and Control of Pollution) Amendment Act, 1987, are you going to issue notices under this new Act, or not ? This is the question.

Secondly, under Environment Protection Act, 1986, certain powers have to be delegated to the State Governments, because it is they who have to regulate things. They also have to issue notices. Have you issued delegated powers to State Governments to apply the provisions made in this legislation ? If so, what is their effect ? This relevant information is very much required by us.

Lastly, there are many other flaws. There is no time. But the flaws are there to such an extent that instead of the word 'and' if you use the word 'or', it will make much difference. You have restricted your own power by using wrong words. But I will mention only one case. For instance, in Clause 22A you have said :

(1) Where it is apprehended by a Board that emission of any air pollutant, in excess of the standards laid down by the State Board under clause (g) of subsection (i) of section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior



[Shri Shantaram Naik]

to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from emitting such air pollutant."

"restraining such person from emitting such air pollutant."—So, you have restricted your power to this extent. Instead, I will suggest that you do this :

*After the words 'from emitting such air pollutant.'"*

*Add the words : 'or, for any other appropriate order for protection of environment and life and for securing public interest.'*

If you use these words here, your power will not be restricted and you will be able to get from the court any order to protect the environment.

MR. CHAIRMAN : There is no time for anybody now. I will ask the Minister to reply.

SHRI C. JANGA REDDY (Hanamkonda) : I want only a few minutes.

MR. CHAIRMAN : There are only two names. We will extend the time by 15 minutes. You can take two minutes and the other Member can take three minutes.

DR. DATTA SAMANT : They can take, together. Languages are different.

MR. CHAIRMAN : Shri C. Janga Reddy.

[Translation]

SHRI C. JANGA REDDY (Hanamkonda) : Mr. Chairman, Sir, I welcome the amendment Bill that has been brought forward in the House. The Bill should be such as could check the health hazards which the human beings are facing due to increasing air and water pollution as a result of industrialisation. There is a lot of water pollution around Hyderabad but nobody is there to take action against those who are responsible for it. No industrial licence can be given without Central Government's clearance. But if another industry is set up in the vicinity of an

industrial unit, it can result in air pollution. Therefore, a distance of at least one kilometre should be kept between the two. No residential quarter should be allowed to be built within a distance of one kilometre from the industrial unit. For this purpose, a legislation should be enacted. If an industry is set up to employ 400 people, it affects the health of 4000 people. A.P. Rayons Project is located by the side of Godavari. Its effluents are discharged into Godavari. The cattle drink that water and die. There is no control over it. Water and air pollution is affecting the health of the people very badly. In coal mines of Bihar, the labourers start putting coal in the furnace right from five in the morning. That coal burns only at 8 O'clock. The process produces so much of smoke that it seems that there is no sun on the earth. Similarly, a housewife uses coal from 3 P.M. till 7 P.M. in the evening. They kindle their chulhas and place them outside their houses and thereafter they put coal in the oven. All this produces clouds of smoke. If one remains in a coal industry even for an hour, it is bound to affect one's health. Similarly, due to excessive use of diesel in Delhi and elsewhere, the eyes start itching. It is said that air gets polluted due to the adulteration of diesel. This too should be controlled. We should also pay attention to the nature's process which purifies air.

How one watchman can guard a forest spread over 4000 acres of land? They should be given arms. Those who fell trees in the forests should be punished and for this the Forest Department will have to adopt strictness. If they do not do, so, the drought like the present one will strike again. It has been said somewhere in our scriptures that one tree is equal to one lakh persons. Therefore, with a view to protecting the forests, Forest Guards should be deployed in increased number. If the Government fails to protect the forests, we shall not be able to control air pollution. You should write to the State Governments impressing upon the need for their cooperation with the centre in order to protect the forests. The centre alone is unable to protect them. A Central Fund should be created for this purpose and the State should be given assistance therefrom

Otherwise, air pollution will not be controlled. One watchman should be appointed to guard one thousand acres of forest.

17.46 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

\*SHRI R. JEEVARATHINAM (Arakkonam); Hon. Deputy Speaker, Sir, I would like to make a few points in support of the Air (Prevention and Control of Pollution) Amendment Bill, 1987.

A provision of this Bill states that all entrepreneurs who wish to start an industry must obtain prior approval of the Central or State Pollution Control Boards. I request the Hon. Minister to take adequate caution while implementing this provision as there are ample chances for misuse of power. You should not allow this provision to axe the growth of industries rather you should enforce it very carefully so that pollution is controlled. Hon. Minister may kindly take note of my suggestion.

Another amendment proposes to confer powers on the Boards to stop water and electricity supply to establishments which violate pollution control standards. Hon. Minister must take proper care to see that this provision is also not misused.

In the case of both these amendments, the Bill says the decision of the Boards is final. There is no provision for appeal against the decision of a Board. A suitable provision must be made in this Bill for filing appeals against the decisions of the Boards.

In Ranipet in my Arakkonam Constituency, there are many tanneries. These tanneries cause water pollution. Even the Hon. Minister has visited that place.

[English]

MR. DEPUTY SPEAKER : Tanneries. In North Arcot District cause pollution.

[Translation]

\*SHRI R. JEEVARATHINAM : Yes, Yes, water pollution.

[English]

MR. DEPUTY SPEAKER : There are many tanneries which are spoiling fields.

[Translation]

\*SHRI R. JEEVARATHINAM : Hon. Dy. Speaker also knows it. Nearly 10,000 acres of land have been rendered unfit for cultivation. Many farmers are out of employment. Their families are starving. Even the Hon. MLA from Ranipet underwent a fast to call the attention of the Government to excessive pollution of air and water in that area... You also came there... The Hon. Minister gave an assurance to the MLA and he withdrew his fast. Three months have passed since then, However, no steps have been taken by the Government so far to stop pollution.

I would like to suggest one important thing. We are providing heavy subsidies to these tanneries. A part of it can be withheld from payment and can be utilised to spend on pollution control measures in these establishments.

In my Constituency, there are also many beedi and cigar industries. These industries also pollute air. Government must take steps to control pollution caused by these industries using tobacco and other toxic substances.

With these words, I conclude.

DR. PRABHAT KUMAR MISHRA (Janjgir) : Mr. Deputy Speaker, Sir, I rise to support the Air (Prevention and Control of Pollution) Amendment Bill which has been brought in the House. This is a very important subject. We have come here from all corners of the country and more or less the situation is the same everywhere. Here I want to mention about my constituency Janjgir where a number of industries such as cement, paper, coal

\*The speech was originally delivered in Tamil,

\*The speech was originally delivered in Tamil.



[Dr. Prabhat Kumar Mishra]

aluminium, etc. are located which are a source of heavy pollution. The people of that area are suffering both economically as well as physically due to pollution. If you could order a survey, you will find that many species of trees are on the verge of extinction due to pollution. For example, saal trees used to grow in my area from the seeds of which our block alone used to get Rs. 9 lakhs as income. But today these trees are on the verge of extinction. Besides, as many as 500 species of herbs have become extinct due to pollution. Due to paucity of time, I do not want to go in details, but I must say that if steps are not taken to prevent both noise and air pollution, serious consequences will follow.

The number of automobiles in our country has increased to such an extent that lead poisoning which is caused by the automobiles is aggravating the problem of pollution still further. Lead poisoning is harmful not only to the lungs, but it causes a variety of other dreadful diseases also. You will be surprised to know that ever since Maruti cars which consume high quality petrol, came on the roads in our country, the lead poisoning content in the air is increasing leading to pollution of the environment. With regard to lead poisoning, I want to quote some facts before the House.

[*English*]

“The study concludes that exposure to lead was a factor in the decline of both Greek and Roman civilisations. The study observes that two-thirds of the emperors of ancient Rome may have been poisoned and even mentally unhinged by high doses of lead in their wine and food.”

[*Translation*]

Therefore, lead poisoning plays an important role in noise and air pollution which is increasing in big cities day by day. Therefore, there is need to pay special attention to the pollution caused by the automobiles.

Cement particles fly out of the cement factories and blanket the land in the surrounding area as a result of which the ecology of the land is changing. Not only this, it has a very adverse effect on agriculture. The pollution in Korba area where BALCO, N.T.P.C. and other industries which use coal are located, has increased to such an extent that if somebody happens to park his vehicle in the vicinity of these factories, the colour of the vehicle changes overnight and the owner finds it difficult in the morning to identify it. Although I have many things to say but due to paucity of time I would say only this much that this problem cannot be solved merely through legislation. For this, the people will have to be educated. The people will have to be educated about the personal and surrounding hygiene. As has been said by Shri Datta Samant, we have passed a number of legislations, but we cannot stop it merely by passing laws. For this purpose, you will have to properly educate the people. If you leave it to the State Government and the State Governments leave it to the district level, then the district level authorities cannot understand its importance. If we do not take appropriate measure to check pollution right now, it is just possible that we shall have to pay a very heavy price for it in the future which will be many times more than what is required to be spent on control measures now. If we do it now, we can control it effectively at a very little cost.

Therefore, I want that in the interest of safeguarding the health of the people as also from economic point of view, the Government should take stringent measures. The Government should take strict action against those industrialists who do not instal air pollution control equipment in their factories. Badarpur Thermal Power Station in Delhi is an example before us. This is a coal based Thermal plant and the situation around this power station can be seen by the passengers travelling by the trains coming from Bombay or South. Apart from this, I am totally opposed to the provision which you have kept in the Bill under which the case will go to the court and the court will decide the matter. I have got a number of examples to prove my point, but I do not want to go into

them due to paucity of time. All that I want to submit to you is that most stringent measures should be adopted to tackle the problem of ever increasing pollution and a provision should be made to put the guilty behind the bars without any delay.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI): Mr. Deputy Speaker, Sir, at the very outset I wish to thank the Members of the Lok Sabha, the hon. Members of this House, for generally supporting the Amendment Bill. I am also thankful to them for showing their concern about the environmental aspect. We share their concern for the environment as a whole.

This Amendment Bill seeks to amend an earlier legislation which was passed in 1981 for the prevention and control of air pollution. Over the time, it was found that because of certain deficiencies, because of certain lacunae, the proper implementation of the Air (Prevention and Control of Pollution) Act is not possible. It was because of this fact that we have come before this House to amend this Act suitably so that certain effective steps may be taken to take care of the air pollution.

The House is aware that last year, in 1986, we passed an Environment Protection Bill and now we have the Environment Protection Act which, as a matter of fact, takes care of all the environmental aspects—it may be air pollution it may be water pollution, or it may be other environmental aspects. It is, as a matter of fact, an umbrella Act which takes care of all the environmental problems of the country. But, Sir, there are many special Acts and where the provisions of those special Acts are not matching to the provisions of the general Act—the Environment Protection Act—then the provisions of the special Act will apply.

In the Environment Protection Act we have provided very severe punishments for the degeneration of the environment. This is one of the main points that we thought we should provide similar types of punishments in the special Acts also. There had been a talk in this House and in the other

House also that we do not have enough teeth in our legislation to control the pollution and to take stringent action against those persons who are polluting the atmosphere—air or the water. Therefore, this Amendment Bill provides stringent punishments to deal with the industries and those persons who are polluting the atmosphere, polluting the air, with strong hands. I do agree with the Members of this hon. House that it is not only the legislation which is necessary, it is also the implementation of that mechanism which is important. I do share their anxiety for that. I also agree with them that the general awareness amongst the people is required. People should know what are the things which are polluting the air, which are the things which are polluting the water, and which are the causes for the degradation of the environment.

18.00 hrs.

Sir, for that purpose this House is aware that on a very large scale, the programme for creating that awareness through mass media, through educational institutions, through official and non-official agencies by holding seminars, by just introducing the education on environment in the new Education Policy, has been introduced.

Now, I come to the specific provisions. What were the actual shortcomings in the Act because of which we thought that we should come forward with this piece of legislation to amend the earlier Air (Prevention and Control of Pollution) Act? Sir, the first thing was that the punishment which was provided in the earlier Act which we want to amend by this Amendment Bill, was so inadequate that for these polluters it was much more profitable to pollute the atmosphere and pay the fines and accept the punishment than to stop the pollution and it was because of this fact that we have made the punishment in this particular Bill more stringent, more deterrant so that the people should not pollute the air.

Sir, earlier in the Act, there were only 20 industries which were given in Schedule and it was only these industries which were supposed to be the polluting industries and now we have removed that Schedule and



[Shri Z.R. Ansari]

in view of the fact that we are not concerned about the industry as such, we are concerned with whatever activity, whatever industry and whatever factory is polluting the air and that factory or that body should be properly tackled. Therefore we have removed the Schedule and we have taken all the industries which are polluting the air in any way under the purview of this Air Pollution Act.

Sir, there is one thing which has been mentioned here. Most of the hon. Members have appreciated that when there are reports and when there is a feeling that the State Pollution Control Boards are not acting according to the direction of the Central Pollution Control Board and they are not just taking action against the polluting industries then for a limited purpose, for a limited time, the Central Pollution Control Board will assume the powers of the State Pollution Control Boards and act in a more stringent manner and in a more dynamic manner.

Sir, one hon. Member has said that it is a question of Centre-State relationship which is involved here. No, not at all. Because we do not wish to implement this Act throughout the length and breadth of this country by our own selves. We have to take the assistance of the State machineries. State Pollution Control Boards, State Governments and all the agencies which are concerned with the air pollution.

But a time may arise, a situation may arise, when in spite of our best efforts some State Pollution Control Boards—because the hon. Member can very well understand the reason—do not take appropriate action against those industries or against those bodies which are polluting. Then it becomes the duty of the Central Government to interfere and to take the powers of the State Pollution Control Boards and implement the Air Pollution Control Act right earnestly. It should not be the case that we are taking powers from the States. We never wish to take powers from the States, we want to act in cooperation and collaboration with the State mechanism. By and large it is they who will be responsible for implementing this

Act, but in case there is a failure, certainly it becomes the duty of the Central Government, and the Central Pollution Control Board to intervene for a limited purpose and for a limited time.

SHRI SOMNATH RATH (Aska) : All right, the Central Government should intervene, but which is the agency in the States ?

SHRI Z.R. ANSARI : The Central Pollution Control Board.

SHRI SOMNATH RATH : Which is the agency in the States ?

SHRI R.P. DAS (Krishnagar) : It is harming the spirit of decentralisation.

(Interruptions)

SHRI Z.R. ANSARI : I am not conceding. I think it is enough.

(Interruptions). Sir, there are State Pollution Control Boards. They are responsible for implementing this Act. Some occasion may arise when some Pollution Control Board does not act in the right perspective, in the correct spirit, and does not implement the Act right earnestly in some cases, then the Central Government, the Central Pollution Control Board... (Interruptions). If the Central Government is of the opinion that any State Pollution Control Board is not right earnestly implementing the Act, then the Central Government will direct the Central Pollution Control Board and implement the Act right earnestly.

SHRI R.P. DAS : Why don't you name the erring States ?

SHRI Z.R. ANSARI : I am not going to enter into a dialogue.

SHRI R.P. DAS : Let us know what the difficulties are.

SHRI Z.R. ANSARI : I do not want to discuss those points which are outside the scope of the present piece of legislation.

DR. DATTA SAMANT : There are eight lakhs of industries in this country. How you are going to do it ? For new industries they are going to stop...

(Interruptions)

SHRI Z.R. ANSARI : The only hon. Member whom I could not understand is my friend, honourable Datta Samant.

DR. DATTA SAMANT : Sir, I strongly object it. During my speech... (*Interruptions*). That is why I am not intervening. In the whole Bill which the hon. Minister has got there is not a single naya paisa provision that is made. Just it is left to anybody, you collect your funds. Now, 20,000 industries which are scheduled are cancelled and he is taking all the industries. This is a common question, Sir, that there are 8-50,000 industries in the country.

SHRI Z.R. ANSARI : Dattaji, I am coming to that.

DR. DATTA SAMANT : What is your machinery? Only in Delhi there are 10,50,000 vehicles causing air pollution. What is your machinery? You are academically discussing this. I am prepared to discuss with you. This is my subject. I am dealing with 5000 factories. This is an academic discussion which the Government is doing without anything. You can't control the water pollution. You see what your Congress members at Ahmedabad have talked. (*Interruptions*). You have no machinery. You have nobody to check it.

SHRI Z.R. ANSARI ; I am not conceding.

DR. DATTA SAMANT : And why you are bringing such a Bill? Why are you bringing such Billa when there is no laboratory to examine the pollution? How are you going to change it? I have raised all these issues. He has not replied. I kept a mum. When he comes to personal thing, let us discuss all the points. I do not like if nothing is going to come after my talk.

[*Translation*]

SHRI YOGESHWAR PRASAD YOGESH (Chatra) : Mr. Deputy Speaker, Sir, I would submit to the hon. Minister that Shri Datta Samant should be rewarded for his contribution because it is due to his efforts that dozens of Bombay factories were closed which resulted in improvement in the pollution situation.

DR. DATTA SAMANT : The pollution will increase still further and then a worker will be available for Rs. 10.

[*English*]

On this reason, the industrialists would close the factories and we are going to suffer.

[*Translation*]

There is no machinery. What academic discussion we are having.

[*English*]

SHRI Z.R. ANSARI : I do not want to enter into dialoge. The environment management is comparatively a new subject. It is true that we have shortage of funds. It is true that we have shortage of trained personnel. We are making an attempt to develop a machinery, a mechanism to control pollution. There are three things which have to be developed. One is proper mechanism; another is proper legislation. And the third thing is, general awareness and education amongst the people regarding the environmental problems. Environment management is a new subject not only for this country but for the world over because it is comparatively a new subject which is being taken care of.

So, we are just trying to develop mechanism and give to this country a proper legislation so that there should be deterrent effect on every person who is polluting the atmosphere or air. This is what we are envisaging today. We know that we have shortage of funds. Our State Pollution Control Boards and Central Pollution Control Board have short of funds. We know that we have short of trained personnel. Much has to be done in this field. But it does not mean that we should not do anything. Is this the suggestion of my hon. friend, Dr. Datta Samant that shelve all these legislations and let the atmosphere, let the air of this country be polluted.

DR. DATTA SAMANT : Please don't misquote me. There are lakhs of industries but there is no machinery to check them. There is no money. I am a doctor and I



[Dr. Datta Samant]

know the hazards and difficulties of pollution. People are working in the dust. They are already working in Dehi and Bombay. What is the use of this Act, when you are not going to implement it?

SHRI SOMNATH RATH : Now, there is a provision that an individual can file a complaint. Why has he not filed a complaint?

SHRI Z.R. ANSARI : This is not a new piece of legislation. This is a Bill to amend certain provisions of the Act which is already in existence. The very purpose of this Bill is to give teeth to this old Act and to improve upon the conditions and to remove all those difficulties which were there in the implementation of these earlier Acts.

As the House is aware, a point has been made about the right given to the private individual. This is a right which has been given in the Environment Protection Act also. We thought that when this right had been given in the Environment Protection Act, this right should also be given in this Act, namely, the Air (Prevention and Control of Pollution) Act so that at any point of time, if some private citizen feels that the Control Boards—may be State Pollution Control Board, Central Pollution Control Board, are not acting and they are not taking any action against the polluting industries, they should have a right because it is their health which is going to be affected.

SHRI SHANTARAM NAIK : There is a provision of 60 days notice to be given. In that case, what happens?

SHRI Z.R. ANSARI : I am explaining. Have patience. I had a patience for the last 10 days. That right has been given to the private individuals also. They should not be dependent solely on the Pollution Control Boards. A question has been put about 60 days notice. 60 days notice has also been provided in the Environment Protection Act. This has been done with a specific purpose. After all, it is the duty of the State Pollution Control

Board and the Central Pollution Control Board to take action under the provisions of the Act. It is only when any citizen feels that these Boards are not taking action and the air is being polluted, then he should give a notice to the appropriate Pollution Control Board that "Look, this factory or this firm is polluting the air and, therefore, we wish to file a suit in the court against that." Within 60 days, the Pollution Control Board to which the person has given notice, will find out whether the contents of the application are true and whether that factory is really polluting the air and then it becomes the duty of the Pollution Control Boards themselves that, instead of that citizen going to the court, those Pollution Control Boards themselves go to the Court for suing that factory. It is for that purpose. If they fail to do so or if they feel that no pollution is being created, then that citizen after 60 days notice shall be entitled to go to court and make a complaint against the polluting industry.

SHRI SOMNATH RATH : There is a proviso there that the Control Board may not give report to individual on the plea of public interest. Will that proviso be deleted by the hon. Minister because it will be a shield for these Boards not to give any report?

SHRI Z.R. ANSARI : The provision has been made that the Pollution Control Boards shall be obliged to give all relevant information to that private complainant. Only a proviso has been made and that proviso has deliberately been made. There are certain sensitive sectors. For instance, our nuclear power stations or the other sensitive sectors from the Defence point of view for which giving information to the private individuals is not in the public interest and it is only that limited information which they can refuse on the basis of this proviso that it is not in the public interest to pass on that information to any private individual, because these are the areas in which if the information is given to the general public, it may be dangerous for the country. So, it is only for that specific purpose, the Control Boards will have to satisfy the court that this is the public interest because of which "we are not giving this information to the gentleman."

SHRI SOMNATH RATH : The air is polluted. It has come out in the newspaper that because of the radiation pollution, even the food is poisoned. The public should be educated about all that.

MR. DEPUTY SPEAKER : Please wind up.

SHRI SOMNATH RATH : At least the public should be educated about this.

SHRI Z.R. ANSARI : There are certain things, which have been said by some hon. Members, that are outside the scope of this present Amendment Bill. But as they have said, I would just touch those points within two minutes. A question has been raised about tanneries. Our approach is that if these smaller units do not have the capacity and resources to have their own Pollution control device plants, we are in cooperation with the State Governments, with the State Pollution Control Boards and the Central Pollution Control Boards, State Government and the Central Government, trying to have come sort of a common effluent treatment plant. One such effluent treatment plant has been set up at Vanniyambadi and another in Rajasthan at Pali where one such common effluent treatment plant has been set up. So, we are taking care of smaller units which do not have the capacity.

MR. DEPUTY SPEAKER : Mr. Minister, they are getting licences and everything. They are showing the plant at the time of getting licences. Afterwards, they are not at all operating. That is the point. The whole atmosphere is spoiled. I know Vanniyambadi, which you mentioned. I studied there for three years. If you go and see there, you will even weep. The whole atmosphere is spoiled. Even if you complain, nobody is taking action. Even if I complain, nobody is taking action.

SHRI Z.R. ANSARI : Sir, I know. I come from a place near which a cluster of tanneries has been there. It is Jajmau near Kanpur. I know the problem.

DR. CHANDRA SHEKHAR TRIPATHI (Khalilabad) : Even the sun is not visible due to smoke emitted by these industries.

SHRI Z.R. ANSARI : I know that problem. But the Central Government has provided Rs. 25 lakhs for the effluent treatment plant at Vanniyambadi.

MR. DEPUTY SPEAKER : Is it functioning ?

SHRI Z.R. ANSARI : No. It is under construction at Vanniyambadi.

MR. DEPUTY SPEAKER : Why can't you stop all these kinds of industries, till you provide this, till you are going to implement the scheme ?

(Interruptions)

SHRI Z.R. ANSARI : It is easier to say to stop all these industries. But it is very difficult to implement... (Interruptions). For example, in Delhi itself, the largest cause for pollution is due to the thermal power stations. Are you prepared to stop the working of these thermal power stations and go without power in Delhi ? The other day a huge voice came in this House saying: "we are without power. We are without water supply." Rome was not built in a day.

MR. DEPUTY SPEAKER : Why can't you take all the precautionary steps ?

(Interruptions)

SHRI Z.R. ANSARI : This is not the approach of the Central Government. The approach of the Central Government is not against industrialisation. It is not against development. It is not against the progress. The approach of the Central Government is progress. We say 'yes', if anybody asks for industrialisation. We are meeting the needs of the people. But it should be under control and to the maximum. The industries should take care of the environmental values. They should take care of the pollution. They should not pollute the atmosphere. If there are such industries, then, slowly we are progressing towards that. We cannot afford to stop all the cement factories.

MR. DEPUTY SPEAKER : We are not asking you to stop them. If you are not able to control it, you have to stop it.



SHRI Z.R. ANSARI : We are doing that. The State Government and the State Pollution Control Boards are doing that. I can show you that we have given notices under the Environmental Protection Act.

MR. DEPUTY SPEAKER : There is no use giving notices. You are telling of Vanniyambadi. For many years, the people are fighting against pollution. It is not a new thing. If you go and see the place, you can find out the position.

DR. CHANDRA SHEKHAR TRIPATHI : One thing is not very much clear. 80% of our people who reside in our country are farmers. No crop can be obtained, no yield can be had unless and until chemical salt is sprayed, insecticides are sprayed. This is sprayed throughout India on a very large scale. This pollutes the environment. What is the devise, what is the process the Hon. Minister is going to take to control the pollution caused by insecticides and chemicals which is polluting the entire atmosphere? I want the Minister to clarify this.

SHRI Z.R. ANSARI : We require insecticides for the protection of our crops. We require fertilizers for growing more food. We require cement plants for the construction of our houses, buildings and other things. We require all these things. We just want to control them in such a manner so that minimum damage is done to the environment. Sir, this is our approach for the new industries.

DR. DATTA SAMANT : It is a wishful thinking.

SHRI Z.R. ANSARI : For you, everything is wishful thinking except closure of textile mills.

*(Interruptions)*

MR. DEPUTY SPEAKER : Please finish. Dr. Samant, take your seat.

SHRI SRIHARI RAO (Rajahmundry) : There is no proper implementation at all.

*(Interruptions)*

SHRI Z.R. ANSARI : Sir, as far as this Bill is concerned, I have just spelt out the salient points for the purpose of which we have come forward with this Bill to strengthen our laws with regard to air pollution. I have deliberately avoided to reply those questions which pertain to forest, which pertain to water pollution, which pertain to other sectors which we can discuss at appropriate time.

With regard to pollution created by motor vehicles, I understand that we are going to have some amendments in the Motor Vehicles Act which will take care of the pollution created by the motor vehicles. There are certain proposals which are before us. Factories Act has already been passed. There are 30 acts which are under different Ministries which are taking care of these pollution and environmental problems. Forest is one of the very important sectors which should be taken care of. It is because of that fact, in 1980, the Forest Conservation Act had been passed and much improvement has been done. Of course, still things have to be done in a much more speedier manner to protect our forests and to have more and more afforestation to improve the general environment conditions.

One thing I want to say about site for industries and also about giving new licences to industries.

As far as siting of industries is concerned, the letters of intent of new industries which are being set up cannot be converted into licences unless the Ministry of Environment clears them from the environmental angle for their siting and also for the proper pollution control equipment. These are the steps which we are taking and we hope that with these amendments in the present Air (Prevention and control of pollution) Act, our hands will be further strengthened and a proper mechanism will be evolved to take care of the air pollution.

With these words I commend this Bill for the consideration of the House.

MR. DEPUTY SPEAKER : The question is :

“That the Bill to amend the Air (Prevention and Control of

Pollution) Act, 1981, be taken into consideration.”

*The motion was adopted.*

MR. DEPUTY SPEAKER : The House will now take up clause by clause consideration of the Bill.

The question is :

“That Clauses 2 to 8 stand part of the Bill.”

*The motion was adopted.*

*Clauses 2 to 8 were added to the Bill.*

*Clause 9 (Amendment of Section 21)*

**Amendment made :**

Page 4, lines 17 to 20, —

*for* “Provided further that before a consent has been cancelled or a further consent has been refused under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned” ;

*substitute* “Provided further that before cancelling a consent or refusing a further consent under the first proviso, a reasonable opportunity of being heard shall be given to the person concerned.” (1)

(Shri Bhajan Lal)

MR. DEPUTY SPEAKER : The question is :

“That Clause 9 as amended stand part of the Bill.”

*The motion was adopted.*

*Clause 9, as amended, was added to the Bill.*

*Clauses 10 to 13 were added to the Bill.*

**Clause 14 (Insertion of new Section 31-A (powers to give directions)**

**Amendment made :**

Page 5, line 11, —

*after* “This Act” *insert—*

“and to any directions that the Central Government may give in this behalf”.

(Shri Bhajan Lal)

MR. DEPUTY SPEAKER : The question is :

“That Clause 14, as amended, stand part of the Bill.”

*The motion was adopted.*

*Clause 14, as amended, was added to the Bill.*

*Clauses 15 to 25 were added to the Bill.*

*Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI Z.R. ANSARI : Sir, I beg to move :

“That the Bill, as amended, be passed.”

MR. DEPUTY SPEAKER : The question is :

“That the Bill, as amended, be passed.”

*The motion was adopted.*

MR. DEPUTY SPEAKER : Now the House stands adjourned to meet tomorrow at 11 A.M.

**18.35 hrs**

*The Lok Sabha then adjourned till Eleven of the Clock on Thursday, November 12, 1987/Kartik 21, 1909 (Saka)*