

SHRI R.L. BHATIA (Amritsar) : Only 19 people of the Congress have died.

S. BUTA SINGH : These are only office bearers which I have mentioned. These people were of the level of DCCs and PCCs.

SHRI HARISH RAWAT (Almora) : Recently the PCC President had stated that about 300 to 350 people have become martyrs.

S. BUTA SINGH : I am talking of prominent office bearers only.

SHRI HARISH RAWAT : No. You should correct your statement.

S. BUTA SINGH : I am talking in a routine manner. Otherwise more than 300 Congress workers have died in Punjab. Therefore, to say that people belonging to one particular party have died in a maximum number is not correct. We wanted that process of holding rallies in rural areas should be restarted but it could not be accelerated. Anyhow, people from every corner of Punjab are joining the campaign that has been launched by the Congress Party and our effort is meeting with an unprecedented success. We are going to hold a very big rally there on 19 November. I would like to say this that every one should cooperate in this effort irrespective of his party affiliation.

[English]

As Punjabis, they are opposed to terrorism; they are opposed to extremism; they are opposed to separatism.

[Translation]

This is what we are in need of. We should channelise our efforts to mobilise 'Lok Shakti' i. e. the power of the people so that Punjab may come out of the mire of the terrorism and may regain its high position of being a progressive State. Through President's Rule, we will endeavour to root out the extremism and separatism from Punjab at the earliest possible. We will come again before the

House after that. That is why the Assembly has not been dissolved there and has been kept under animated suspension. Therefore, our first and foremost task is to establish peace and to sustain unity and integrity. We will be ready to make the greatest sacrifice for this. At the same time, it will be our endeavour to respect the political feelings of the people of Punjab.

With these words I request the House once again to pass the Resolution unani- mously so that we may be able to perform good work in Punjab.

[English]

MR. DEPUTY SPEAKER : The question is :

"That this House approves the continu- ance in force of the Proclamation dated the 11th May, 1987 in respect in Punjab, issued under Article 356 of the Consti- tution by the President, for a further period of six months with effect from the 11th November, 1987",

(The motion was adopted)

17.33 hrs.

AIR (PREVENTION AND CONT-
ROL OF POLLUTION) AMENDMENT
BILL.

[English]

MR. DEPUTY SPEAKER : Now we take up the next item—Air (Prevention and Control of Pollution) Amendment Bill. Mr. Bhajan Lal.

THE MINISTER OF ENVIRON-
MENT AND FOREST (SHRI BHAJAN
LAL) : I beg to move :

"That the Bill to amend the Air (Prevention and Control of Pollution) Act, 1981, be taken into consideration".

[Translation]

Mr. Deputy Speaker, Sir, as the hon. Members are aware, the Air (Prevention

and Control of Pollution) Act, 1981 provides for the prevention and control of air pollution. This Act was enacted under article 253 of the Constitution to implement the decisions taken at the International Conference on Human Environment held at Stockholm in June 1972.

Certain administrative and practical difficulties have been experienced in the course of implementation of the Air Act. During the last few years the following main difficulties have been brought to the notice of the Government by the Central and State Boards :—

Noise which is a form of air pollution does not come within the purview of this Act.

Though section 18 of the Act empowers the Central Board to give directions to the State Boards, yet it has not been specified therein as to what action should be taken in the event of State Boards continuously violating the directions of the Central Board.

The Act provides that industrial units should obtain the consent of the Central/State Boards only at the time of commissioning the industrial units. As a result of this, industrial units are often set up without installing adequate pollution control equipments due to ignorance or under the pretext of ignorance and the Boards are asked to give consent some time before the commissioning of the units after construction.

Under the existing provisions, the Board cannot control pollution caused at the time of establishment and testing of a plant.

According to section 21 of the Act, it is obligatory to obtain the consent of the Board with regard to Air pollution Control before commissioning certain industries, the names of which are given in the Schedule to the Act. Very often the industries try to avoid obtaining consent on the plea that they are not covered under the Schedule. Many industries emitting air pollutants have not been included in the Schedule.

The Cases which are filed in the courts

of law in this regard take a lot of time and the Board has no powers under which it could take some other action to check pollution.

Even if the quality of the air is badly affected due to continued pollution, there is no provision to direct closure or regulation of offending establishments or stoppage or regulation of supply of services such as water and electricity.

The punishments provided in the Act are not adequate.

The Boards do not have sufficient financial resources to perform their functions smoothly.

The Government has thoroughly examined these matters in consultation with the States and the concerned Central Government Departments. Keeping in view their suggestions, certain amendments have been proposed to the Act which are as under :

It is proposed to include pollution caused by the noise by enlarging the definition of the Air Pollution.

It is being felt from the practical experience of the Central and State Pollution Control Boards that if it becomes necessary under certain circumstances, the Central Board may be empowered to perform the functions of a State Board in specific purposes for a specific period. Such circumstances *inter-alia* include a serious emergency situation in which State Boards fail to comply with the directives issued by the Central Board under section 18. This will not adversely affect the normal functioning of the State Boards except that the jurisdiction of the State Boards will be taken over by the Central Board for a specific period. The cost of the performance of the State Boards by the Control Board shall be recovered from the person or persons concerned, if the State Board is competent to recover such cost under the Act, as arrears of land revenue.

Presently a person is required to obtain consent of the Pollution Control Board only when he is running any industrial plant. In order to ensure control on

[Shri Bhajan Lal]

all stages, it is proposed to make it obligatory on the person concerned to obtain the consent while establishing the industrial unit. It is also proposed to empower the Board to give their consent for specific periods so that they can monitor the implementation of the prescribed conditions and if the conditions are not fulfilled, further consent can be refused.

Although the Central Government, State Governments and Boards are responsible to implement the Act, yet it is necessary to seek public co-operation to implement the Act effectively. Hon. Members are aware that everybody can make a complaint in the court under Environment (Preservation) Act, 1986 after giving a notice of sixty days to the prescribed authorities regarding violation of the provisions of the Act. This provision has been made with a view to seeking the co-operation of the citizens and the Environment Organisations in awarding punishment to the polluters. Now it is proposed to make this provision in the Air (Pollution, Prevention and Control) Act, 1981 also.

A notice of sixty days has been prescribed so that the complaints are not baseless and the authorities are able to enquire into the complaints within the notice period. Hon. Members will note that a new provision is being made in the Air Act which does not exist in the Environment (Preservation) Act even. This provision is that if the Boards have such information which can be helpful in suits and about furnishing of which there is no objection from administrative point of view the Board shall furnish such information to the complainants. The intention of the Government is to facilitate finding out the pollution and awarding punishment to the polluters. This provision will make the Government agencies more vigilant in this regard.

Instituting a case against the polluter is the only action which the Board can take to control pollution. But the Boards are disappointed when there is a lot of delay in the Courts in this regard. It is,

therefore, proposed to empower the Boards to make application in the court against any polluter to check pollution. Since action could be taken by raising an issue of contempt of the court for violating the orders of the court, the people would remain more vigilant about complying with the Act. Such a provision exists in the Water (Pollution, Prevention and Control) Act, 1974 also.

In spite of the fact that Boards have many powers to award punishments, it has been noticed that due to delay in the court in pollution cases, pollution continues. Hon. Members are aware that under the Environment (Preservation) Act, the Central Government or any authority constituted under this Act, is empowered to issue directives to any person, officer or authority. This power includes the power to direct closure or regulation of any industry or stoppage or regulation of supply services such as, water and electricity to it. This provision aims at checking pollution wherever it is detrimental to environment. Such powers are, therefore, proposed to be provided to the Boards for prevention and control of air pollution effectively.

Presently the penal provisions for violation of the Air Act are not so stringent as to have a deterrent effect. It is proposed to make the punishments more stringent.

Hon. Members are aware that at present the Central and State Boards do not have adequate means to discharge their duties properly. Their financial resources are confined only to gifts, grants, donations, benefaction donations and fees. At present the Central and State Governments are giving grants to the Boards as a part of their annual plans. The Central Government has started a scheme to provide assistance to the State Boards so that they could strengthen their technical staff and increase their equipments. Assistance has since been provided to 13 State Boards during the year 1986-87 and to 3 Boards so far during the year 1987-88. This scheme will continue during the Seventh Five Year Plan also. We will assist the States in having minimum

required technical staff and setting up of at least one adequately equipped laboratory. But keeping in view the financial constraints facing the Government a provision is being made to increase the financial resources of the Boards by raising monies by means of obtaining loans and issue of bonds, debentures etc.

In order to ensure that the Boards are able to enforce the provisions of the Act effectively, it is also proposed to make some minor amendments.

Sir, the draft of this amendment Bill presented in the Parliament has been prepared in consultation with the State Governments and the concerned Central Government departments and after taking into account the suggestions made by them. The amendment aims at implementing the law effectively by strengthening the legal and institutional structure and by seeking public co-operation. I am sure that the hon. Members will support this amendment Bill. I am also sure that the Government will be able to provide air-protection more effectively by making proposed changes in the Act.

SHRI RAM BAHADUR SINGH (Chapra): Sir, air pollution is posing a serious problem before the whole mankind. This is the reason that the life of a man has become difficult and the life expectancy is also going down. We should take effective steps to get rid of this problem. There is no one in the world who can breathe in the pollution free atmosphere. We take many small things happening in the country lightly, but even such things cause pollution on a large scale. So far as noise is concerned, according to the international norms noise more than 45 decibels is harmful & causes deafness. Noise is increasing continuously in big cities like Bombay, Madras and Delhi and its level has gone up from 60 to 95 decibels. In Calcutta, 8 persons out of 1000 are becoming deaf due to noise around the city.

Similarly, pollution is caused by motor vehicles, industrial chimneys and power houses which produce as much as 35127 tonnes of such waste material which later

takes the form of sulphur oxide carbon and acts as a slow poison. Also the pollution caused by motor vehicles has reached a dangerous point. Khandekar, a scientist in the Bhabha Institute is of the opinion that we should control it at the earliest. The Government should take such a step in this direction as is effective to control the growing menace. Unfortunately, we are not paying due attention towards it in the country. The motor vehicles cause pollution because when petrol or diesel takes the form of smoke, it contains lead and this act as a slow poison for the mankind. The quantity of lead is more in the vehicles having more running capacity as in the case of Maruti. The user of a Maruti car feels proud that it covers more distance and causes less pollution. But the smoke emanated by Maruti cars, contains more lead which is more harmful. So, I will request the hon. Minister to look into this matter.

There are a number of sugar mills in North Bihar. The effluents of those sugar mills flow into the rivulets nearby. The water remains stagnant there for months together and starts stinking as a result of which the fish and other small creatures die. The animals and the poor persons who drink that water and also those who use that water for cleaning utensils fall sick. So, the Government should pay attention towards it.

The Government should pay more attention towards the pollution caused by the motor vehicles which is creating a very serious situation and has adverse effect on children whose mental growth is hampered. Besides it cause anemia and also swelling in their kidneys and joints.

Unplanned urbanisation in the country is also responsible for pollution. As many as 20 per cent population in the big cities of the country live in slums and one third population uses polluted water for drinking purposes. This is evident from it that development also causes the menace of pollution. But it does not mean that we should shelve our developmental works. We will have to take such steps whereby we are able not only to maintain the pace of our development but also to check air

[Shri Ram Bahadur Singh]

pollution. It is necessary for us to educate the people about pollution, about its causes and about the adverse effects and also how to protect ourselves from it. For this we should provide education to our children through social science in the schools from the primary stage. Besides this, children in the lower classes will have to be taught how to establish harmony with the nature so that the tendency of felling trees haphazardly is checked. Trees and plants are a simple source of life giving energy. They absorb polluted air and emanate fresh air to sustain our life. So effort should be made to check their felling. A tendency has developed in the country to fell trees on a large scale. The forest land constitutes twenty two per cent of the total area of our country and that is too only on papers, whereas there should be forests in the one-third of the total area. So, you will have to look into it and see as to how cutting down trees can be checked.

Besides this, a Bench of the Supreme Court has suggested that Environment Courts should be constituted, which you will have to do. But there is no mention of all these points in the Bill. It has been said that in case the State Board fail to discharge its duty or to implement the directions given by the Central Board, all its powers will be taken over by the Central Board but there is no mention in the Bill as to why the State Board would fail to discharge its duty. Whether it would be due to its carelessness or due to its connivance with the persons causing pollution. It is being provided in the Bill that any person can go to the court against the person who causes pollution but the complainant will have to inform the prescribed authority and wait for sixty days. But you have not mentioned as to how we will check the prescribed authority from making money during this period. So, I would request you to look into all these points and include them in the Bill which has been presented to check pollution. With these words, I appreciate this measure through which you intend to put a check on pollution but the Bill which you have presented is not so deterrent as it should have been.

DR. G.S. RAJHANS(Jhanjharpur) : Mr. Deputy Speaker, Sir, I have to submit two or three points about the Bill which has been brought in regard to the pollution.

Firstly the proposed amendment are commendable. But there are a number of other aspects which could have been included in the Bill. I have been asking for such a measure and I have been saying for the last three years that the State Governments remain in-active in a number of matters and as a result thereof no work is done in a proper manner. It has been provided in the Bill that where the State Boards do not work properly, the Central Board will discharge their functions. In my opinion nothing is better than this and this should be implemented in case of every Ministry. The Centre should take over the job of monitoring because the State is extremely inactive in these matters. The State think that if they do not do anything, they will lose nothing. Secondly, polluters are in connivance with the officers of the State. Now not only in the case of air pollution, but also in many other matters, they work properly because of the Centre. You have made a provision in the Bill that the Government needs not ask anybody and where a State Board does not do its duty, the Central Board will start doing that work automatically. You deserve congratulations for this very measure. I would like to request to Central Government that wherever the State Governments are found inactive in any sphere of development the Centre should take over that work because it is a welfare state and it is our responsibility. Our responsibility does not end by saying that this work does not come under our purview because it is a state subject. Your Ministry has provided guidelines in this respect. The Government mobilise resources with great difficulty and then release it to the State Governments but the State Governments spend it carelessly. Not to talk of corruption among the officers, the money is being spent in a very reckless manner. I would give you an example of your Ministry. Since Shri Rajiv Gandhiji became Prime Minister, a lot of money has been spent on forests in the name of environment. You have released funds to

the State Governments but I would challenge you that even one tenth of the funds is not spent on the development of forests but that money is pocketed by the officers and contractors. So, such a provision should be made in regard to the forests that the Centre will monitor all those works for which Central funds are allocated to the States. This should be applicable in every sphere of development. I will give you a small example. When the police fail to control riots, the B.S.F. succeeds to contain riots to great extent. Even today people have faith in the honesty and efficiency of the Centre. So, the Centre should exercise control in that every sphere where its funds are spent.

It is good that the schedule to the Bill is being omitted. Earlier, there was a mention of asbestos, silica industries but now the whole schedule has been removed. This is a good step because there are a number of industries in the country which are on the border line and we cannot say whether they come in the category of this industry or that industry. I will give you a personal example. Many years ago, I was a senior executive in the Silica Fire Brick Factory which is one of the biggest factory not only in India but also in Asia. There I saw that the employees used to suffer from a kind of disease. The Management was aware of this disease but it did not tell about it to the people. The name of that disease is silicosis. A person who comes in contact with the particles of

silica, suffers from this disease. Apparently the person does not appear to be suffering from this disease because it leads to slow death. The particles of silica enter into the lungs and do not come out through out one's life. Its symptoms are like those of tuberculosis. That is why a person suffering from such a disease is treated as a T.B. patient. He does not suffer from cough. Since other symptoms of T.B. are not there, the treatment is not effective.

[English]

MR. DEPUTY SPEAKER : Dr. Rajhans, you can continue tomorrow.

17.59½ hrs.

BUSINESS ADVISORY COMMITTEE
Forty-Second Report

[English]

THE MINISTER OF STATE IN THE
MINISTRY OF PARLIAMENTARY
AFFAIRS (SHRIMATI SHEILA DIK-
SHIT) : I beg to present the Forty-second
Report of the Business Advisory
Committee.

18.00 hrs.

*The Lok Sabha then adjourned till Eleven
of the Clock on Tuesday, November
10, 1987/Kartika 19, 1909 (Saka)*