

Clause 1

2. That at page 1, line 5 for the figure "1987" the figure "1988" be substituted

Clause 29

3. That at page 13, line 17, for the figure "1987" the figure "1988" be substituted."

MR. DEPUTY-SPEAKER : The question is :

"That the following amendments made by Rajya Sabha in the Bill to consolidate and amend the law relating to the prevention of corruption and for matters connected therewith, be taken into consideration.

Enacting Formula

1. That at page 1, line 1, for the word "Thirty-eighth" the word "Thirty-ninth" be substituted.

Clause 1

2. That at page 1, line 5 for the figure "1987" the figure "1988" be substituted.

Clause 29

3. That at page 13, line 17, for the figure "1987" the figure "1988" be substituted.

The motion was adopted.

MR. DEPUTY-SPEAKER : We now take up the Amendments.

Enacting Formula

MR. DEPUTY-SPEAKER : The question is :

"That at page 1, line 1, for the word "Thirty-eighth" the word "Thirty-ninth" be substituted" (1)

The motion was adopted.

Clause 1

MR. DEPUTY-SPEAKER : The question is :

"That at page 1, line 5, for the figure "1987" the figure "1988" be substituted" (2)

The motion was adopted.

Clause 29

MR. DEPUTY-SPEAKER : The question is :

"That at page 13, line 17, for the figure "1987" the figure "1988" be substituted" (3)

The motion was adopted.

SHRI P. CHIDAMBARAM : I beg to move :

"That the amendments made by Rajya Sabha in the Bill be agreed to."

MR. DEPUTY-SPEAKER : The question is :

"That the amendments made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

15.56 hrs.

WATER (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT BILL

[English]

MR. DEPUTY-SPEAKER : We go to the next Item, item No. 18. Water (Prevention and Control of Pollution) Amendment Bill.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z.R. ANSARI) : I beg to move :

"That the Bill further to amend the Water (Prevention and Control of Pollution) Act, 1974, be taken into consideration."

[Shri Z.R. Ansari]

As the Hon. Members are aware, the Water (Prevention and Control of Pollution) Act, 1974 is meant to ensure the prevention and control of water pollution. The power to legislate on water rests with the State Legislatures under entry 17 of List II, State List. Therefore, in order to enable the Parliament to make a law in regard to water, the State Legislatures of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal passed the necessary resolutions under Article 252(1) of the Constitution. The Parliament passed the Water (Prevention and Control of Pollution) Act, 1974 which was made applicable to those States as also the Union Territories. Many other States later adopted the Act by passing resolutions under Article 252(1) of the Constitution.

This Act has been amended in 1978 to remove certain lacunae after following the procedure under Article 252(2) of the Constitution.

Subsequently, a number of administrative and practical difficulties in the implementation of the Act have been brought to the notice of the Government by the State Governments and Central and State Boards for Prevention and Control of Water Pollution. The issues in this regard have been examined thoroughly by the Government in consultation with the States, the State Boards, the Central Board and the concerned Central Departments. Taking into account their suggestions, certain amendments in the Act have been proposed. I would like to explain the main features of these amendments.

The definition of "occupier" is proposed to be amended on the lines of the Environment (Protection) Act, 1986.

From the practical experience of the implementation, it is considered desirable to empower the Central Board to exercise the powers and to perform the functions of a State Board in a State for a specified period for specific purposes, when circumstances so warrant. Such circumstances would include, among

others, persistent default by a State Board in complying with any direction issued by the Central Board, under section 18, as a consequence of which default a grave emergency has arisen or is likely to arise. This would, however, be without prejudice to the normal functioning of the State Boards in areas other than those taken over by the Central Board for a specified period. During the specified period, the costs incurred shall be recoverable as arrears of land revenue from the person or persons concerned, if the State Board concerned is empowered under the Act to so recover such costs.

At present, a person is required to obtain consent from the Board concerned only when he brings into use an outlet or begins to discharge effluents. In order to ensure pollution control measures even at the stage of establishment of a plant, it is proposed to make it obligatory to obtain consent even while establishing or taking steps to establish industrial plants. It is also proposed to empower the Board to limit their consent to suitable periods so as to enable them to review the observance of the conditions prescribed and to refuse renewal if the conditions are not fulfilled.

Though the implementation of the Act is the responsibility of the Central and State Governments and the Boards, public cooperation is essential to effectively implement the Act.

16.00 hrs.

The hon Members are aware that the Environment (Protection) Act, 1986 and the recently enacted Air (Prevention and Control of Pollution) Amendment Act 1987 provide the right to any citizen to file a complaint before a competent court regarding violation of the provisions of those Acts. It is proposed to make a similar provision in the Water (Prevention and Control of Pollution) Act, 1974. A notice of 60 days, as in the two Acts mentioned, has been provided to discourage frivolous complaints and to enable the prescribed authorities to verify the contents of the complaints within the notice period and to take action. The hon. Members may notice that a provision is being added to provide

for the Boards to furnish all relevant information in their possession, subject to certain safeguards, to the complainant. It is the intention of Government to facilitate the detection of pollution and punishment of the polluters. This provision will also keep the official agencies alert about their responsibilities. An identical provision has been incorporated in the Air Amendment Act, 1987.

In spite of the powers given to the Boards to take penal action, it is observed that pollution continues due to delays in prosecution. The hon. Members are aware that the Environment (Protection) Act, 1986 have identical provisions empowering the Central Government and the State Boards, respectively to issue directions to any person, officer or any authority. This power includes the power to direct the closure, prohibition or regulation of any industry, operation or process or stoppage or regulation of the supply of electricity, water or any other service. It is proposed that similar powers be given to the Boards under the Water Act to effectively and immediately prevent and control the pollution of water.

The penal ties for violation of the provisions of the Water Act, at present, do not have a deterrent effect. The Air Amendment Act, 1987 provides for stringent penalties for violating the provisions of the Act. It is proposed to similarly enhance the penal provisions in the Water Act.

As the hon. Members are aware, the Central and State Boards do not have adequate resources at present for proper discharge of their duties. Their only source of funds is by way of gifts, grants, donations, benefactions and fees. The Cess collected annually under the Water (Prevention and Control of Pollution Cess) Act, 1977 is being distributed to the State Boards by the Central Government. In addition, the Central Government has initiated a scheme to assist State Boards to strengthen their technical staff and laboratory infrastructure. 16 States Boards have been so far assisted with a grant of Rs. 2.62 crores. We propose to continue the scheme during the Seventh Plan. However, such funding may not be enough

to fund all the requirements of the Boards. It is, therefore, proposed that the Boards be empowered to augment their finances from sources such as loans, bonds, debentures, etc.

Hon. Members have often pointed out the need for much stricter implementation of the laws in order to effectively control pollution. In accordance with the wishes of Parliament, the Government have, over the past one year, significantly tightened the implementation of the laws. The number of prosecutions launched under the Water (Prevention and Control of Pollution) 1974 against the defaulting units was 978 in the 13 years since the enactment of this law. Last year, alone 1005 cases were launched under this Act. 218 prosecutions were launched under the Air (Prevention and Control of Pollution) Act, 1981 last year as compared to the 131 prosecutions launched in the six years since the enactment of the law. Effective use has been made of the powers given to the Government under the Environment (Protection) Act, 1986. Notices have been issued to 64 polluting units under Section 5 of the Act for showing cause as to why they should not be closed down. In case of 15 units orders have been passed directing closure and in case of two units time has been given for taking pollution control measures or face closure.

At the same time, the industries, which are essential for national development, have started to complain that they are allowed little time to fall in with the tight environmental standards. Nevertheless, it is the opinion of this government that environmental health is of paramount importance. Taking into account the overall national interest, this government will pursue the path of the golden mean by ensuring environmental health while promoting national economic progress through development.

Sir, the amendment Bill has been drafted after extensive consultations with the States, the State Boards, the concerned Central Departments and the Central Board. The objective of these amendments is to strengthen the legal and institutional framework and to enlist public cooperation

[Shri Z.R. Ansari]

in effectively implementing the law. I am sure the hon. Members will support this Amendment Bill. I am confident that the Government would be able to protect the quality of water more effectively with the help of the proposed amendments in the Act.

MR. DEPUTY-SPEAKER : Motion Moved :

“That the Bill further to amend the Water (Prevention and Control of Pollution) Act, 1974, be taken into Consideration.”

SHRI DIGVIJAY SINH (Surendranagar) : Mr. Deputy Speaker, Sir, whilst commending the Government and the hon. Minister for proposing the amendment to the Act concerned with pollution control, I would certainly like to give my comments at the outset by saying that these amendments were long overdue, not only from the legislative point of view but also from the point of view of strengthening the very *raison d'être* of the laws dealing with pollution control. I think some of the amendments that have been suggested are very necessary and they would certainly bring about the desired effectiveness that is required for pollution control. Particularly I am impressed with enhancing the penal provisions which have now been raised to three months imprisonment and up to Rs. 10,000 fine, which I think was very necessary. I am also impressed with the Board being empowered to be capable of stopping, by regulation, an industry which continues to pollute. I think these are very positive measures that are incorporated in this Bills. But I would like to say a few more things. Amongst them, one is that the Chairman of the Maharashtra State Pollution Control Board, Mr. Uma Chand Ji headed a special committee as early as four years ago, to look into where and how the laws concerning pollution control should be amended and how best the infrastructure could be strengthened. I think that the recommendations that came out of this Committee Report have not been incorporated ; I think they should have been studied a little more in depth. Amongst the various suggestions that were

made and amongst those that I would like to make are that when we are talking of the environment the most important factor that has to be recognised is the involvement of the people because no matter what kind of legislation you may have, the involvement of the people is imperative, only from that source can you get the kind of support to implement the laws and to see that they are carried out. Better coordination should be established between the State Boards in every State and the non-governmental organisations that exist in most States to create awareness amongst the people against pollution and I would like to see more and more public interest litigation arising on this score. If there is not, I think the responsibility lies not only on the Government, but on all of us here who represent the masses. Why have we not, whether we are MLAs or MPs or whatever we stand for, created that consciousness or awareness for the environment, which if created would reflect the public consciousness ?

I would like to see a special provision in our Criminal Procedure Code whereby there would be a better position for what they call notice to sue which is prevalent in all developed countries specially concerning environmental problems because what we see here is that almost all polluters whether they are industries or whether they are municipalities, avoid and somehow or other overcome any prosecution notice that is given to them by any State Board by going in for stay orders and the length of a stay order depends on the influence that that agency has on the Boards, I am sorry to say this, and until then pollution continues and people suffer. A stay order may last a year, may be longer. How do we overcome that ? What kind of interaction does the Ministry of Environment have with the Law Ministry in seeing that somehow or other we can overcome this very grave problem ? I even suggested : Why can't we think of having peripetatic course whereby it would facilitate even gram panchayats to go to a court and get the judgment ? A gram panchayat who is suffering from pollution from industry or from a municipality could very easily get the benefit of the law through this Act and speedy judgment. This is something which we can certainly think of. By far the major source of pollution as far as quantity in water is

concerned, comes from municipalities. It has been estimated that somewhere around 75 per cent or even up to 80 percent of the effluent going into our waters, whether they are rivers or lakes or ponds, come from our municipalities. They may not be so toxic as from industries, but they are certainly detrimental to the health. How do we tackle this problem? I very often talk not only to the Central Board and the State Boards dealing with pollution but even with the Central Ganga Authority which has been given somewhere around Rs. 3 crores. They are going ahead with installing pollution control measures in other cities of U.P., Bihar and West Bengal, i.e. installation of sewerage and treatment. No anticipation has been thought of seeing how this installed capacity of pollution control will be maintained from municipal sources because every municipality in this country is in the red and no municipality has courage or conviction to enhance its house tax to ensure that these pollution control measures are maintained. Even if the Union Government has installed these sewerage treatment plants from the Union Budget up to Rs. 300 crores, how will they be maintained unless we create that kind of consciousness within our citizens that they have to pay for. No clean environment is possible without paying anything. You cannot have an environment free without contribution. You have to be prepared to make a contribution and sacrifice and this point has to be driven in. I have suggested and put across to the Prime Minister and even in the Party meetings and across the floor as well that time has come when we should have a national Municipal Sewerage and Treatment Corporation of India on the same lines as we have HUDCO. It would be a central corporation which advances loan to individual municipalities for carrying out sewerage and treatment plant at a very low interest, may be national interest. Unless you do that and unless the nation is prepared for setting up of that Corporation and allocate funds for a Central corporation, this problem would proliferate in the time to come all over the country.

As far as industries are concerned, we have through the various fora—whether it is through the Chambers of Commerce and Industry, whether it is through various non-

Governmental organisations showing interests in pollution control measures—presented to the Finance Ministry, dire need for having some mechanism whereby an industry which wants to invest a massive investment—pollution control measures now are getting more and more sophisticated and costly—a provision should be inbuilt whereby any industry which wants to make investment in pollution control measures, money should be available specially on soft-term basis and over a long-term repayment period. Now no such provision has yet been made. I think, it is high time and here is the forum for me to say this.

Air pollution is growing into ocean not only from chimneys but even from automobiles and I feel the various agencies the Ministry of Environment which is a nodal agency, the municipalities, the police authorities and the health authorities and the RTOs who issue these automobile permits have no proper coordination and inter-face whereby we can very effectively implement the measures needed for controlling pollution from automobiles which is a task getting more and more out of hand.

In many cities of India, research programmes have brought forth how the situation lies, what is the percentage of carbon monoxide and other very obnoxious and noxious air pollutants that we should take cognizance of, thereby preventing the automobile engines and machines from emitting such noxious fumes and what proper control measures should be there.

I know that there have been some good provisions made in this proposed Bill but I would like this Bill to go further by saying that, as in the case of the Police laws, any informer who cooperates with the Department, the implementing agencies, should be given certain incentives who effectively inform the authorities and would even stand by, by giving evidence in courts. No incentive is given to such informers now. So I would like to say that such a provision perhaps could have been thought of.

As far as water pollution is concerned, the time has come when we must have a better and more effective method specially

[Shri Digvijay Singh]

where there are industrial estates or to have the water treatment facility through common system. That is the economical, pragmatic and logical way of removing effluents. With the States setting up industrial estates, this should not be a problem because an industry, by and large, is located in industrial areas and zones. Why cannot we have such plants whereby the water effluent from industry is treated through a common system? I would also like to suggest that the Central Board can take over the functions of the State Board and debit the expenditure to the State Board as this Act provides for almost taking over the functioning of the State Board.

Why is there no effective coordination between State Boards and municipalities? All municipalities get their funds from the States and from the main sources for their development programmes. Why is there no inter-linkage between the funds that are given for development to a municipality and the sewerage treatment plants of a municipality? Can better methods be evolved whereby this inter-linkage becomes effective?

A very serious situation has arisen throughout the country from insecticides and pesticides that have been spreading and the quantum of spraying enhancing year by year. No coordination has been effected within the Ministries of Environment; the Ministry of Health; the Ministry of Chemicals and Fertilizers; and the Department of Science and Technology which can propose methodology of overcoming this problem of insecticides.

The insecticide has created the impact of destroying what it wants to destroy in agriculture and its ill-effects go into the water or soil or air. Now technologically they can produce such insecticides and pesticides which can almost disintegrate within a certain specified period the impact of its ill-effects which go into the water or soil or air. This is the task of the Department of Science and Technology.

There has been no coordination between these various agencies of the Government

of India whereby society is informed of what is the total quantum of insecticides that have already been deposited in our water, soil and air. We have to see as to how much of these natural resources we can hold without destroying not only effective human life but other forms of life also and we have to think as to what should be done for proper regulation. This is something which we may say novel, still blazing a new trail. But, we need to do this before we start repenting for all these spraying of pesticides that goes on.

With these remarks, I once again commend the Bill and would like to say that let us hope that in times to come, what is required is not just legislation or amendment of the legislation but we should bring about the desired effect for effective pollution control and we have all to participate in creating that kind of an ethos or consciousness in this field whereby we are concerned about our own future and concerned now we maintain our mother nature.

MR. DEPUTY-SPEAKER: Now, the hon. Minister Shri P. Chidambaram to make a statement.

12.26 hrs.

STATEMENT RE : INCIDENT THAT TOOK PLACE NEAR THE PRIME MINISTER'S RESIDENCE ON 1.9.1988 WHEN MEMBERS OF TELUGU DESAM PARTY AND SOME MP'S AND MLA'S STARTED MARCHING TOWARDS PM'S HOUSE.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM) : I was to inform the Honourable House that an application was received by the Delhi Police from Shri Upendra, MP, Leader, Telugu Desam Party,