

17.26 hrs

etc. according to the - take it very lightly. I had raised this matter earlier here.

What about the River Brahmani in Orissa? That is a river of sorrow now. Shri K.P. Singh Deo, the Hon Member from Denakal, who is here, also agrees with me that his area is also affected by this, by a large number of industries both in the public sector and the private sector which are located there from where these affluents are discharged to the river Brahmani rendering water misfit for human consumption, human use. But these things are not taken so seriously by these Boards how it is happening. I am all for giving teeth to these Boards. But are they prepared to bite? They should bite and work effectively.

I would request the Hon. Minister to Monitor all this. He should not say that it is a State subject and those Boards are autonomous. This will not do when the entire population is passing through days of anxiety, the process of slow poisoning. We have to be at the top to prevent these things.

Whosoever he may be; whether it is a big industrialist, pioneering industrialist, leading industrialist having influence here and there, he should not be spared from the clutches of our Anti-Pollution Legislation.

With these words, I whole heartedly support this Bill and would request the Hon Minister, the Government of India, to see that these things are implemented in right perspective, seriously, in letter and spirit.

I wanted to know what additional funds will be coming after this amendment, because the requirement demanded by this gigantic task is very high. Therefore, necessary finance has to be arranged. With this request I once again support this Bill whole heartedly.

BUSINESS ADVISORY COMMITTEE

**Seventh Report**

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANAGALAM): I beg to present the Seventh Report of the Business Advisory Committee.

17.27 hrs.

WATER (PREVENTION AND CONTROL OF POLLUTION) CESS (AMENDMENT) BILL *contd.*

[English]

SHRI BHOGENDRA JHA (Madhubani): It is difficult to oppose this Bill, but for me it is very difficult to support it either, because I expected my young friend, the young Minister to give some more consideration to this matter. In the name of environment there is a hue and cry whenever any multi-purpose high dam or project is proposed. That happened with the Tehri Dam Project, and that happened with the Narmada Project and elsewhere too. Whenever there is some agitation there is a lot of hue and cry as if we can be in a position to take our country back, six thousand years back which is not possible. In the matter of trees and forests here, this Ministry can be helpful. All the canals, sub-canals and branch canals, they can be lined on both sides with trees and similarly all the roads and railway lines can also be lined up with trees. At many places this is being done. But if it is done compulsorily it will be good for the whole country. That will purify the air and pollution of air will be done away with, to a great extent.

As the previous speaker has mentioned, the trees give out *praanavayu*, what we call oxygen and they consume *Apaanavayu*, carbon dioxide that we emit. Similarly it is so with regard to water. In the elementary stages of industrialisation the industries were on the banks of the rivers to make the produce cheaper and competitive. So, the rivers are polluted and now for de-pollution we have to take corrective measures. The water of the Yamuna and other rivers is not fit for consumption now. I suggest that this Ministry may take up this matter and wherever industries are located and they emit polluted water, that water should not be drained out into the rivers or rivulets but some sub-channels or underground channels can be worked out so that the earth has the capacity to absorb that water. Or if some filtered water can be drained out to some extent, that may not cause any pollution or at least not to the extent that it can cause alarm or harm us. I wish that this Ministry examines this aspect.

The third point I would like to suggest is, whether we cannot now switch over from thermal or coal based industries to hydel and to solar energy. This is the time for the finalisation of the Eighth Five Year Plan. At least as far as this Ministry is concerned, can it not work out some proposals and submit them to the Planning Commission? As far as the sources of energy are concerned, the source of coal is getting exhausted. Tomorrow, or day after or the day next it will get exhausted. At the same time that coal can be utilised for producing fertilizers.

One such industry we have got at Talcher in Orissa. The burning of coal pollutes air water and the river. If we concentrate our energies on hydel and solar sources, it will cause least pollution to air and water. We cannot go against industrialisation. Better methods, more defined methods, less pollutive methods have to be evolved.

One thing I have been uneasily hearing from the speeches of most of my friends here that industrialists are criminals. If you tax industrialists, in practice the industries are being taxed because the industrialists will

pass over this burden to the consumers. It is one thing that we do not allow any one individual to own an industry. But the country requires industrialisation and the industries require help and assistance to produce more, to be more competitive inside and outside. At a time when we are opening our market to the multi-nationals, insiders in our country will require competitive pricing for our own industrial products. So, in a backward economic frame, we cannot simply attack the industrialists and tax them more and more.

In the proposed Bill, it is proposed to increase the water cess, even for the domestic purpose from two paise to three paise per kilo litre. Is it necessary? And in this context you can put some ceiling, beyond which it may be costly. But for the minimum use of water, there must not be any increase in the cess. Besides, the Officers are empowered to check and to find out as to which industry is using or not using, utilising or misusing, polluting or not polluting. That means, it is a breeding ground for corruption. As I have read it, the rules and directives will follow therefrom. It is a breeding ground for corruption. This will not prevent pollution but this will increase corruption. And non-the-less it is difficult to check, it is difficult to control. So, more scientific, more refined methods have to be evolved. And that is why, I have said that if the Minister responds to this voice here, he can do away with the increase in the water cess for domestic use. He can put a limit and to that extent, it will not increase.

With regard to the control of the officers, who go into every details, that will encourage corruption, give more ground for corruption and this again will be passed over to the consumers. The product will become costly. The industrialists cannot pay from their own pockets and this will be passed over to the consumers. In that context, as I have said, it is very difficult to support it. But as it is for anti-pollution measure, it is very difficult to oppose it. But I do hope that the Minister while replying to this debate, will into account the suggestions that I have made.

SHRI RAM KAPSE (Thane): I support

[Sh. Ramkapse]

this Bill. But I feel that industrial growth and growth of cities has adversely affected environment. Because of water pollution and air pollution, the life has become miserable. There are enactments. Boards do function but day by day it has become almost impossible to get potable water or unpolluted air.

We support this Bill, but we are not sure that only raising the cess will solve the whole problem.

Whatever power rest with the Government or Boards are not properly use. Mostly the matching grants by the state Governments for Central Government grants have not been sanctioned by State Governments. I know definitely that between 1980 and 1985 the Central Government was prepared to give matching grant to State Governments if they take the responsibility of spending after five years. Some laboratory work was to be done. Some laboratory assistants were to be appointed. Many State Governments did not accept the Central grant and the money which would have been useful for control of pollution was not properly used.

This is what has happened. So I expect from the Minister that he should see to it that there is better coordination between Central Government and State Governments as far as use of grants is concerned. Only then, this will be useful. Corruption is rampant in this Department which everybody knows. The worst part of the story is that local government authorities like municipalities and corporations, they have totally neglected their jobs. With the result, almost all the rivers in India are polluted. So who will take care of these municipalities and corporations? If industries pollute water, municipal bodies also help the pollution. All the rivers are polluted because of that.

I expect from the Government that new industrial policy should not make us unmindful about environment. I will give an instance. This is a new Industrial Policy document. On

page 8 it has been said that it has been decided that "location restrictions removed except where an industry is proposed in cities with over 10 lakh people. Even in the case of such big cities, products which do not pollute the environment can be located 25 kms outside of it". I will give you an example. Thane is a city of 10 lakh population. Bombay is a city of more than 25 lakh population. And in new Bombay you are favouring expansion of industries unmindful of the fact that it is going to create problem of pollution in the Thane district industrial area. You have already sanctioned some projects. So in the last four months this industrial policy and the Ministries clearance of some files has created a problem in my constituency itself. So when we support the industrial growth, that does not mean that we accept the fact of providing polluted life to the citizens.

I also expect Government should coordinate with State Governments and see to it that there should not be understaffing in Boards and not only the industries but the local self governments also should be compelled to see to it that they should not add to the water pollution. Cess we increase. Legislation is there but proper administration will only gives us better life.

In my constituency i.e. Thane which is just near Bombay, I am facing both the problems- problem of water pollution and air pollution.

But a new dimension is added to the whole problem because the Environment Minister is favouring extension of many industries which are not only hazardous and polluting industries but they also consume large quantum of water which is necessary for human consumption. When the citizens are not getting enough water, when villages are not getting enough water, these water consuming industries are getting clearance from your Ministry for extension like nocil in New Bombay.

SHRI KAMAL NATH: By the State Pollution Control Board or Central Pollution Control Board?

**SHRI RAM KAPSE:** Friend, your Ministry. That is my personal knowledge. And if at all Central Pollution Control Board is doing that, you please check it up and see to it that the people get water and again the potable water also. When the citizens are not getting enough water to drink, how this Government is giving sanction to water consuming industries in New Bombay? The Environment Department should re-consider the whole issue, taking into consideration the supply of potable drinking water to the citizens while giving clearance to the extension of industries in Thana district which is highly polluted and drinking water is in short supply.

Supporting industrial growth does not necessarily mean miserable life to citizens. The Government should keep balance and should not neglect citizens' basic rights.

Thank you very much.

**SHRI K.P. SINGH DEO(Dhenkanal):** Mr. Chairman, Sir, I welcome the Water (Prevention and Control of Pollution) Cess (Amendment) Bill, 1991 and I congratulate the Minister for having brought this legislation. In this opening remarks he has mentioned the reasons for bringing this legislation, that is, augmenting the funds of the State and Central Pollution Control Boards, and also to improve the economising of the utilisation of the water which is a natural resource and which we have not yet husbanded properly for the various utilities so far and also to remove the lacunae in the Bill which was framed in 1977. All these are very laudable reasons for bringing this Amendment Bill to Parliament. The Hon. Minister himself has set a very good example by giving up smoking and lessening pollution of the air. I wish other people emulate his great example.

So while trying to make the Water (Prevention and Control of Pollution) Cess (Amendment) Bill more effective and more deterrent and also more punitive, I would like to caution or sound a word of caution that a human aspect should not be lost sight of. In fact, analysis of environment on various

development projects is required for our country where awareness of the environmental pollution whether it is air or water or atmosphere or even noise is at a very low key or at a very low level in our country and apart from increasing awareness amongst the people, effective legislation is necessary.

But as my friends earlier, especially Mr. Sriballab Panigrahi, referred, there is no dearth of statutes in our records. Over the last forty-four years, we have passed many statutes but they remain as statutes and are collecting dust. It is the implementation which is necessary.

I come from a riverine and a maritime State like Orissa where we have large river systems, whether it is the Mahanadi river or the Rukhikuliya or the Brahmani river or the Subarnrekha, and I come from a State like Orissa where we have vast potentials and reserves of mineral as well as forest wealth. Most of these river systems have been polluted by the effluent of not only private sector projects and plants but also of joint sector and public sector plants. Whereas a legislation is very necessary to act as a deterrent and officials have been empowered to take deterrent and effective action against erring industry or local authority or even persons, but the fact remains that public sector undertakings like the Talchar Thermal Power Station in Talchar or the Rourkela Steel Plant in Rourkela and the entire industrial belt of Kanthwal and Rourkela, whether it is the Jayshree Chemical Complex in Berhampur or the Indian Rare Earths or the OSCOM Sand Complex, have been recalcitrant as far as taking effective measures is concerned.

Only about a couple of months back, a high-level delegation and even the Estimates Committee of the present Parliament have visited some of these plants. But so far the consciousness which should be there amongst people who are educated, who are well-versed, who are aware of the problems of environmental pollution, whether it is air or water or even atmospheric, has not been there. They have not taken the corrective

[Sh. K.P. Singh Deo]

action. Neither the State Pollution Control Boards nor the Central Pollution Control Board have taken any effective measures against them. These State or the Central Pollution Control Boards do not take effective steps. It is all right for the State to take action against ordinary persons or against private sector. Public sector being Government's own industry should set an example for other undertakings as far as pollution is concerned.

In this respect, the people who get affected are usually the people who live on the river banks and the river valleys. Most of them depend for their livelihood and for their sustenance on the rivers. Most of our civilisation and most of our populous villages are located on the river banks, at least in my State. We find that particularly the river Mahanadi and the river Brahmani, right from Rourkela up to Paradip, are polluted. The marine life is totally gone. Human life is jeopardized. People have been ventilating their grievances. People have been agitating. But apparently the power that be in my State is yet to make up. This is where I do not agree with my Hon. colleague, Mr. Jaswant Singh when he says that the Central Government should not act as a monitor. I think it is the right time for the Central Government to act as a monitor and at as a catalyst to see that recalcitrant State Governments and the State Pollution Control Boards do take effective steps and effective action to implement some of the guidelines and set a standard which has been set up, as the Hon. Minister said after exhaustive consultation with the State Governments and the State Pollution Control Boards.

Therefore, in this case, it is mostly the people belonging to the weaker sections of society who live on the river banks, who indulge in boating, fishing, netting, have been affected. We have not found any alternative means of livelihood for them nor we found any alternative means of employment for them. This leads to social tensions. These socio-economic factors are also creating

enough law and order problems, as well as rehabilitation problems, which hitherto were not there before the areas were polluted. Therefore, an integrated approach must be taken and a systems approach brought in so that wherever such type of industry or any other undertaking comes up, the question or rehabilitation as the question of giving alternative means of livelihood and getting potable and safe and drinking water is considered.

If I may cite an example, we have two of the largest coal-based fertiliser plants of Asia in my district in Talchar, which was referred to by Hon. Members Shri Bhogendra Jha and Shri Sriballabh Panigrahi we also have the biggest coal-based aluminium factory-NALCO- and we also have the Heavy Water Plant. We also have the Talcher Thermal power station. As far as NALCO is concerned, I may say that it is an ideal undertaking. It has taken steps of using anti-pollution measures. But the other Units leave a lot to be desired and the entire population of about two lakh people, who reside in these areas, on both sides, cannot get safe drinking water. A coordination meeting was taken sometime back by one of our former Union Ministers to see that these undertakings, which have been polluting the river Brahmani, at least contribute, as part of curricular development, to sink more tubewells. Presently there is one tubewell for a population of 300. It was suggested that one tube well for a population of 150 could be provided so that an alternative means of getting potable water could be assured to these villages and the civilisation which have been there for centuries. But so far it has not seen the light of the day.

The same is the question of finding alternative means of livelihood for the fishermen folk which are in large numbers and for centuries. They have been doing this vocation. They have not taken up any other vocation. I do not think there is any organisation which thinks about rehabilitating them or giving them some training. It is all very well to empower certain officials with powers of

penalising or even taking action. But if we forget the human side of it, it will be the same as an alien government which was regulating our countrymen for the benefit which was going to the alien government. We now have a government of our own which need not regulate and have the authority without the responsibility of giving them an alternative source of employment or livelihood. The Centre cannot run away from its constitution obligation where the people of Scheduled Caste and the Scheduled Tribe are affected.

I would like to draw the attention of the Government, through you, on another factor. It is about the river water systems. We had the Ganga Action Plan which was a very laudable project. But, unfortunately, it was left at the half-way mark. The river water systems of Brahmani, Mahanadi, Jamuna Brahmaputra etc. are to be considered and master plans for them are to be prepared. An integrated approach is to be taken by the new undertakings which have to discharge the effluents. The entire issue is to be looked into. Then only most of the sufferings of those people, who have been suffering for the last decade or decade and a half, could be reduced and mitigated.

Sir, I would like to end by wanting to have certain information for the Hon. Minister that as far as domestic consumers are concerned, would he like to share the information with us as to what would be the impact on the domestic consumer as result of this piece of legislation, and since this legislation is coming after a span of 14 years, I am sure he would like to review it after 5 or 10 years, and this is going to be a continues process because I do not think we are going to see the end of this piece of legislation today because after 10 years probably the next incumbent would like to say that the last legislation was passed in 1991, the cost of production has gone up, the gamut of activities of industrial undertakings has increased, the workloads on the Pollution Control Boards have also increased and therefore, there should be more cess to make them viable. And if that is so, then we have yet to give assured potable, safe drinking water to our

people and where it is being given to a certain segment of the population because we have not been able to give this to the entire population which is the avowed policy of the government of India, what is going to be the real impact in real terms, in practical terms, because the human misery cannot be judged by this piece of legislation, and when the main Environment Conservation Act come in 1986, some of us had raised apprehensions here that the entire impact analysis of environment was left to six Forest Officers who had authority but no responsibilities of various State Governments. There were 113 amendments mostly moved by the Ruling Party Members sitting on this side as well as some of the Hon. friends from the Opposition at that time, people from Maharashtra, Bengal and Orissa, who were the ones who were the most effective, and the then Hon. Minister could not give us a satisfactory answer because apart from these six Forest Officers there was no environmentalist, there was no conservationist, there was no one from the public who was a Member of that Committee and it was left to just six Forest Officers to decide whether a dam should come up, whether an industry should come up, whether some high tension wire should come up or should not come up. And in this respect, coming from a state like Orissa where before integration we had different rules in different native States and the people enjoyed various rights by paying nominal cess like, say, they used to pay 25 paise or four annas at that time to get forest produce. They used to pay four annas for getting minor forest produce and today because of the Environmental Conservation Act which was passed in Parliament, some of the State Governments are hiding behind the fact that the Centre has put a stop and we will not allow minor forest produce for agriculturists, agriculturists, we will not allow even forest produce for thatching of roofs or building or for timber which people were enjoying till the end of 1989. This has created a real problem for people living around the forest areas or even people who have been enjoying these rights for the last hundreds of years. All of a sudden they had to buy from a timber yard which is at least 10 to 20 times more costly.

[Sh. K.P. Singh Deo]

So, some alternative means must be thought of and I would like the Hon. Minister to ponder over it because this Ministry has been very innovative in many aspects, I must give credit to the Ministry of Environment for having raised ecological task forces which are one of the first task forces in the world where environmental upgradation is being done by ex-Servicemen of that particular locality, and it has done immensely good work for which the Japanese, the Germans and the Swedish have been coming to India to learn from these ecological task forces. The same is the question of the Action Plan on Ganga. So, I am sure the Ministry of Environment would like to innovate something for people who have been having certain rights both in the forests and in the water systems which are abundant in our country and which they have been denied.

With this, Sir, I support this Amendment and I wanted to highlight some of these problems. Thank you very much.

[Translation]

18.00 hrs.

SHRI RAJENDRA KUMAR SHARMA(Rampur): Mr. Speaker, Sir, I rise to put forth my views on the amendment Bill moved by the Hon. Minister.

Sir, we have been facing on acute problem of pollution and today we have primarily to consider the same. We had not adopted a

farsight view on this issue. Had the solution of this problem been thought 30-40 years ago, definitely the country would have been saved of this serious situation.

[English]

MR. DEPUTY SPEAKER: You can continue on Friday.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANAGALAM): Mr. Deputy Speaker, Sir, the Hon. Minister would like to reply to this Bill on Monday. So, I suggest that we take up the Demand for Grants in respect of Punjab on Friday and this particular Bill on Monday.

MR. DEPUTY SPEAKER: Is this the desire of the House?

SEVERAL HON MEMBERS: Yes.

MR. DEPUTY SPEAKER: So, this Bill will be taken up on Monday.

The House stands adjourned to meet again on Friday, 22nd November, 1991 at 11.00 a.m.

18.02 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Friday, November 22, 1991/Agrahayana 1, 1913(Saka)*