

the products of core large scale Industries in the state, has been used very less in setting up of subsidy industries. The other states which were already having infrastructure took more benefit of the iron and coal available in Bihar. Thus Bihar was deprived of the direct benefit of minerals available in the state and of Industrial investment. The factor has been central freight equalisation policy.

So through the House I demand from the Government to withdraw this policy immediately so that Bihar can make progress in industrial field.

- (viii) **Need for holding a nationwide debate on conservation and proper management of water resources in the country**

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Chairman, Sir water is an important natural resource, a fundamental necessity of mankind and a vital resource for planned developmental activities. The Demand for water is on the increase, but its availability in nature is limited. It is the utmost duty of every citizen to preserve water and to save it from pollution, and to use it properly and economically. The development and management of water available in the country may be made properly, efficiently and entirely, future needs of water for drinking, Irrigation, Electricity etc. can be met.

There is a need to hold a public debate on this issue in the country. An awareness needs to be created among the people in the country about growing demand for water, limited availability of water in nature and the importance of water in improving environment in the country. There is also a need to pay attention towards the implementation of some concrete suggestions emerging out of the nationwide debate on the issue in the country.

15.57 hrs.

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

[English]

THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH): Sir, I beg to move:

"That the Bill to amend the water (Prevention and Control of Pollution) Cess Act, 1977 be taken into consideration."

This Bill seeks to augment the resources of the Central and State Pollution Control Boards and to encourage economy in the use of water for abatement of pollution. With the passing of the Environment (Protection) Act, 1986 and the rapid expansion of industries and towns, the responsibility and workload of the Pollution Control Boards has increased considerably. The funds available with these Boards have not kept pace with the increase in cost and with the overall commitments which involves increased financial liabilities.

The cess rates fixed in 1977 were low and have not been revised so far. The Central and State Pollution Control Boards have recommended that the rate of cess be doubled and also remove other lacunae in the Act for its better implementation. The existing rates of cess have been in operation for over 12 years and the proposed increase is lower than the increase in the price index during this period. On account of inflation, there is no increase in the burden in real terms.

I am also introducing the concept of economic incentives and dis-incentives in the proposed amendments. The Government has two specific objectives in mind, firstly, an approach to encourage adoption of best available practical and technical solutions for prevention of pollution at source.

Secondly, conservation of natural resources, particularly water. Our experience has been that rather than treat pollution once it is generated we must encourage waste minimisation and promote reuse and recycling of materials.

The present provision or rebate of 70 per cent where a person or local authority has installed an effluent treatment plant has led to misuse. Often the industries claim a rebate merely on the installation of the effluent treatment plant even though it was not made fully functional and the effluents did not meet the prescribed standards.

In the Bill we have proposed a graded rebate structure which would provide a greater incentive to go in for prevention of pollution.

16.00 hrs.

Industry would have to conform to the prescribed standards to claim any rebate. For those who comply with the standards they can avail a rebate of 25%. In addition, where the water consumption standards are prescribed, the industries will have to comply with these standards as well, to be eligible for the rebate. The Hon'ble Members would agree that there is a need to conserve water, along with efforts towards improving the quality of water. Water is becoming a scarce resource in our country.

The Bill also proposes disincentives for those who do not conform to the prescribed standards. Pollutants will have to pay cess at an enhanced rate. Therefore, in the case of units consuming water for processing where pollutants are not bio-degradable and are toxic, the increase will be from the present existing rate of 2.5 paise per kilo litre to 9.5 paise per kilo litre. We are particularly concerned about the pollution caused by toxic substances which are not bio-degradable and are even carcinogenic.

The Bill also seeks to enhance the rate

of interest for delayed payment from 12 per cent per annum to 2 per cent per month, on the same lines as in the Income Tax Act. The Bill further seeks to empower officers and the authorities collecting cess to make assessment of the amount of cess where no return is filed.

The Bill has been drawn up as a result of exhaustive consultation with the Central and State Pollution Control Boards and other Ministries and Departments.

I welcome your valued opinions and request your support for this measure. With these words, I move the motion.

MR. CHAIRMAN: Motion moved:

"That the Bill to amend the water (Prevention and Control of Pollution) Cess Act, 1977 be taken into consideration".

Shri Jaswant Singh may speak.

SHRI KAMAL NATH: He is from Dholpur.

SHRI JASWANT SINGH (Chittorgarh): I think the Minister is mis-informed slightly. He has said it in the manner about which he is in-famous. He wrongly stated that I am from Dholpur. I am not from Dholpur.

MR. CHAIRMAN: I think, it is the slip of the tongue on his part.

SHRI JASWANT SINGH: It is a kind of disagreeable....

MR. CHAIRMAN: I am sure the Minister knows from where Mr. Jaswant Singh is.

SHRI JASWANT SINGH: I am sure he does. It is a kind of disagreeable yaupines up for which this particular breed of Congressmen are infamous. We are certainly not amused. He is piloting an important Bill. To be giggling on the Treasury benches does not become a Minister. Would you explain what you are doing?

SHRI E. AHAMED (Manjeri): Please take it in a good humour.

SHRI JASWANT SINGH: I will endeavour to take it in a good humour.

MR. CHAIRMAN: Now, I would request you to continue with the speech.

SHRI JASWANT SINGH: This is by itself a measure that we do not find difficulty with. The Hon'ble Minister for State while explaining why this measure becomes necessary suggested that it is to augment resources. And resources need to be augmented because work has increased, though he has suggested that additional funds are required and there was a mention about waste control and waste reuse.

The Statement of Objects and Reasons was provided to Parliament and circulated earlier. Of course, this is in continuation of the 1977 Bill which was enacted with a view to augmenting the resources for the Central and State Pollution Control Boards.

Now, Sir, the suggestion is for augmenting resources and the methods suggested by the Government are unreasonable or exceptionable because there is an additional cess on water charges - I would not go into the figures of it - plus there is some additional interest on delayed payments. Then, there is a reduction of rebate in cess...  
(Interruptions)

AN HON. MEMBER: I am on a point of order, Sir, Will this Bill be passed without quorum?

MR. CHAIRMAN: Let the quorum bell be rung.

Now quorum is there. Gentlemen, I would like to say just one thing that the time allotted, I presume, by the Business Advisory Committee for this Bill is two hours and is divided party-wise. I would request the hon. Members to try to keep within the schedule of time allotted to them. Thank you.

Now Mr. Jaswant Singh may please continue.

SHRI JASWANT SINGH: Sir, I was only on my initial submissions that what this Bill tends to do is to raise additional cess, reduce rebates, etc. The very assertions made by the Statement of Objects and Reasons and by the hon. Minister of State really beg some questions. It is averred in the Statement of Objects and Reasons as also by the Minister that work has increased because industrialisation, population and town growth have increased. I accept that industrialisation has grown, the townships have also grown in size, the population has also increased, but it is really begging some questions. We are now talking of 14-15 years old piece of legislation, which in itself had an earlier legislation which governed this kind of activity and control of population within townships etc. If that piece of legislation had worked satisfactorily and if the original purpose of this Bill had been continuously met by the initial functioning of such Boards in a satisfactory manner, then they would have kept pace both with the growth of industrialisation as also the growth of population and the resultant pressures on the existing Sewage Boards, etc. I beg to submit that this has not happened and it has not happened primarily for one reason.

Having said this, I will come to the totality of the work ethic that infuses the Ministry of Environment these days. I accept that the totality of the work has increased because of industrialisation, population growth etc. The work has increased but the corresponding increase or transformation or change or reform or improvement in work ethic has not taken place. Therefore, the work ethics has not changed and the work has increased. If the Government merely come forward and say that they require more funds because of more work and they are not going to change the work ethics and the working methods, but if more funds and given to them there will be a solution, it is not a convincing argument. On the other hand it is a very feeble and flawed argument, littered with pollution, which, I presume is what the

[Sh. Jaswant Singh]

Ministry, in fact, is tailored to get rid of, or at least it purports, pretends to get rid of.

About the waste control and re-use, I would really like to be educated on this by the Government. I have some acquaintance-ship with the towns and cities and industrial areas of the country. I cannot find one example - but one example - wherein the Government could assert that in the last so many years here is a shining example of the success of what we have done in any city. I request you to please reflect.

Even the Cantonment Boards, which were at one time renowned for the cleanliness of the area and the sense of environment, ecology, living conditions and quality of life - generally - are now not the same. If that be the things, I would really be educated if the Government informed me as to what is their achievement. Let them give one particular example of excellence that they would like to put forward to us and say: Because of this we would like to replicate this example of excellence all over the country and, therefore, we need more funds because the work has increased. Let them give just one example. What is the reality in the number of cities, townships and villages of India? So far as drinking water is concerned, I would be happy to be proven wrong, there is not a single city in the country which has 24-hours of assured potable water supply. Not a single city in the whole of the country!

MR. CHAIRMAN: But, I presume that it would be a State subject. Is it not so?

SHRI JASWANT SINGH: I am illustrating the point because the totality of the problem is if the Ministry of Environment were to come and say this is what they are trying to do for which they need more funds to take them up, then, surely in these last 44-45 years we might have achieved some success. The Cess is about the drinking water. The purpose of the Bill says the Cess is on the use of drinking water.

There are thousands of villages in our country without drinking water. There the assured drinking water supply is not there. I would not wish to educate the hon. Minister. I would not even pretend to do so. I am informed by various and sundry that he is very knowledgeable about matters relating to environment, ecology, pollution etc. We want to benefit if he shared some of his knowledge with the House.

A word about the totality, not that we are vigorously discussing on this Bill, a word about the totality of the Ministry's approach to its responsibilities and the Ministry's functioning. I am of the view that just as the decade of the eighties, globally, was the decade of human pre-occupation, again globally with this great life and death question of nuclear weapons of destruction, I hold that in the decade of the nineties the great global issue which will pre-dominate will be the state of the world. The quality of life of the inhabitants of the Planet Earth and the great issue of the decade . . .

Mr. Chairman I am sorry to interrupt you. But are we not enlarging the scope of the Bill?

SHRI JASWANT SINGH: I am deliberately enlarging it because the Ministry of Environment has come forward with a rather limited scope, which we are supporting. But I choose this as an opportunity to share some thoughts, through you, with the hon. Minister and the House.

And if that is likely to be what the decade of Ninety's is going to be preoccupied with, then I submit, Sir, that the Ministry of Environment as we conceived it and as it is functioning today, has to have a second look as to how it is going about with its responsibility. The Ministry of Environment, Sir, of my way of looking at this, is not a monitor, it is not a monitor on the rest of the country, it is not a monitor that sits in judgement on the rest of the States of the Union. Forgive me for putting so bluntly as that because in this period of liberalisation and opening out and de-regulation, the Ministry of Environment



has become the one great avenue of stopping. When we are going about deregulating and getting rid of a plathera of bureaucratic obstacles to things to be done, by all means create a consciousness about forests, about environment, about ecology, about quality of life, but not as a monitor or a stumbling block. I share the concern with you, Sir, that it is now openly said that the Ministry of Environment whether it is here or in other areas when it is functioning merely because it is the regulatory authority available to it, it is misusing that regulatory authority for purposes other than the preservation of environment, in the kind of climate that prevails in the country where, if you give any authority, the power to say 'No'. You are entrusting that authority with the power to misuse that power by saying 'No'.

I would not wish to spend too much time on this issue at this present moment on this occasion, but it is commonly being said that the great issue of the Ninetys is going to be environment, then this is not the way that the Government of India can charge an important responsibility like the Ministry of Environment to perform its function. It is by all means a regulatory body, it is also at the same time an advisory body. If there be an agency which is not able to perform its task satisfactorily, the Ministry must advise with its expertise and say, 'You need to do 4 or 5 or 3 additional things and if you do these, please go ahead and do it'. The Ministry and the manner in which it is functioning today, is a retarder to even the consciousness of environment because it is perverting it.

Reverting, Sir, to the Bill itself, as I started by saying that the objects of the Bill are limited, the objects themselves are understandable. Having voiced the reservations and the difficulties that I have and the clarifications that I have sought, on behalf of my Party I support this piece of legislation.

**SHRI BJOY KRISHNA HANDIQUÉ (Jorhat):** Mr. Chairman, Sir, I rise to support the Water (Prevention and Control of Pollution) Cess (Amendment) Bill, 1991.

Sir, while speaking on the Bill one can hardly limit himself just to a mere punitive or rewarding provision of such a Bill which is of great pith and moment.

Sir, the Statement of objects and Reasons of the Bill rightly focus on the rapid expansion of urbanisation and industrialisation and as a consequence of increased responsibility and workload of the Central and State Pollution Control Boards. And at the same time, the resource crunch faced by these Boards. Unless adequate funds are made available to these Boards, they cannot be expected to function effectively. We should, however, bear in mind that collection from cess can only meet a tiny fraction of the cost and imposition of cess alone is not a deterrent at all.

The Pollution Control Boards need to be armed with more teeth. Besides categorisation of industries required to pay the cess, needs, to be more realistic and revised. The 1977 Act lists only 15 industries which are liable to pay the cess and I think this list is too short in this age of technology when almost every river in the country is being polluted by the industries. We have seen how the Andhra Pradesh Rayon limited which is not considered even as an industry as per the Schedule of the Water (Prevention and Control of Pollution) Cess Act, 1977 ultimately got off scot-free in spite of the prolonged legal process on the part of the Andhra Pradesh State Board for prevention and control water pollution.

Secondly, we should bear in mind that the question of pollution-free water receives a great boost after the landmark judgement of the Supreme Court in the case of Subash Kumar Vs the State of Bihar. It is now established that the apex court of the country is of the view that the quality of life is being conditioned by the quality of water and air a citizen receives. This judgement gives more meaning to the Article 21 of the Constitution, the fundamental right to live. From now onwards, the right to live will be determined by the right to pollution-free water or air for full enjoyment of life. Naturally, in this con-

[Sh. Bijoy Krishna Handique]

text, the Central and State Pollution Control Boards are called upon to accept a great challenge. It is not fund alone that counts in meeting the challenge. Unless these Boards are manned by committed people, such onerous responsibilities cannot be discharged meaningfully. So, the question of putting the right persons in the Board arises. We must not forget the gigantic problem arising out of this challenging job, for in India we have seen that 80 per cent of city water supply finds its way back into its drainage system as domestic and industrial waste and hundreds of million litres of sullage are discharged into the water dodies or *nallas* without even being primarily treated. As a result, as stated in a World Health Organisation estimate 80 per cent of the world's water diseases are transmitted by dirty water and in fact, such is the level of contamination of water that if all the water of the world are represented in a gallon, the quantity of safe drinking water will be just two litres. Further, according to the National Environment Engineering Institute report, only 70 per cent of the inland water are fit for human consumption. Though industrial pollution forms 10 to 15 per cent of the total river pollution on an average, it is quite deadly because of the toxic substances dumped into the river. How many of these industries treat the waste before they are discharged into the river? And many cases are detected and proceedings instituted by these Boards? It is not that there is no penalty for such offences; six years imprisonment and fine are there for polluting rivers or wells or any public source of water.

No civil court has jurisdiction to entertain any suit or proceedings or to grant injunction in respect of the matters which the authority is empowered to determine. This provision is there. Yet, how many Boards have taken recourse to such penal laws for giving exemplary punishment? So, this is the question of commitment of the Board to the cause rather than funding it. I place this observation before the hon. Minister that it is not the question of funding alone. We need

commitment. We need committed people who are committed to this objective in the Board for fighting this menace. Only such people should be put in the Board.

With this observation, I support this Bill. It is indeed an appropriate Bill at the appropriate time. My friend, Shri Jeswant Singh has said that the Bill should have come long ago. But the question is, in course of time, we have seen how the percentage of pollutants, the percentage of wastes being dumped in the rivers has increased. The time has come to tackle this problem.

I do hope the hon. Minister will take proper measures. Along with that, the Boards have to be strengthened financially and collection of cess is one of the ways of strengthening the Board financially.

I hope this piece of legislation will be an effective one.

SHRI E. AHAMED (Manjer): Mr. Chairman, Sir, I rise to support the Bill moved by the hon. Minister.

While supporting the Bill, I would like to make some observation with respect to the provisions of the Bill.

In the Statement of Objects and Reasons, it is stated that the responsibility and the workload of the Pollution Control Boards have increased considerably. Therefore, the quantum of cess is to be increased. Sir, I cannot subscribe to the philosophy of the Government in regard to this. The administrative cost of the Board either at the Centre or at the State level is increasing and therefore, they want to increase the quantum of cess and impose additional cess on additional industry to meet their requirements. This is not a welcome one. I would say, if this is the philosophy, then in future everybody in this country will have to face more problem.

New industries are coming up. New industrial ventures are coming up. Even if the rate specified in the principal Act of 1977

is collected, I am sure, it would be possible for the Government to meet the requirements of administrative cost of Pollution Control Boards. The Government also have the responsibility to meet the administrative cost, and the Government should not resort to imposing cess on the people and increasing it through new legislations.

I would also mention here that the responsibility and the workload of the Board will further increase and I hope, the Government will not resort to imposing more cess on the people in the near future, in the name of administrative cost.

In this Bill, it is proposed to increase cess even for the consumption of water for domestic purposes. Why did the Government come forward with a proposal to increase from one paise per k.l. to 2 paise per k.l. for the domestic consumption of water ?

One can very well understand if it is only with respect to the industry where the industrial ventures will be able to meet this imposition of cess. But the 'domestic consumption' should have omitted the legislation then increase in cess and I would take this opportunity to request the Minister to omit that relevant amendment so as to retain the original one paise per kilo litre for domestic purposes.

Another point that I would like to know from hon. Minister is what steps or action that Pollution Control Boards at the Centre and the State have taken against the delinquent companies and their managements. The Centre and the State Governments should not only collect the cess and meet administrative cost. They have the onerous responsibility to fulfil what is provided under the statute at the Centre as well as the States. I do not find any material to justify the existence, and the working of this Pollution Control Boards to the satisfaction of the people. The people are now very well aware of the menace of pollution. They want to control all kinds of pollution both environmental pollution, water pollution and atmospheric pollution. Therefore, the Government

should also take further necessary steps to give more teeth to the Boards and, as was rightly pointed out by my friend just before, to make pollution boards an effective body.

Another suggestion that I would like to make here is that Government instead of collecting the cess from the public, should make it a point that whenever an industrial project is prepared, the cost of the treatment plant should also be included in the project cost of that enterprise. Then the Government need not resort to any other method of making arrangement to raise funds or to impose a cess to meet the administrative cost. Therefore, there should be a condition that whenever a pollution clearance is given to any industrial project a condition should also attached that the cost of the treatment plant of that industry, should also be included in the project cost of the particular industry.

I may also avail of this occasion to request the Minister to take necessary steps to see that the hazards that became a menace of pollution, especially in cities like Delhi and Agra, should be removed. There are lot of industries coming up around Mathura and other places. It will not only harm the people but also be dangerous to such monuments like the Taj Mahal which, in fact, is one of the wonders of the world.

There was a disturbing report in the press that the pollution would also damage the very existence of the Taj Mahal. It is up to the Government to see that such a historical monument should be protected from the menace of pollution.

With these few words, I once again request the Minister to omit the "increase of the cess on domestic consumption".

DR. RAM CHANDRA DOME (Birbhum):  
Mr. Chairman, Sir, here is a Bill which is being considered by the House, the Water (Prevention and Control of Pollution) Cess (Amendment) Bill.

The main object of this Bill is to increase

[Dr. Ramchandra Dome]

the cess amount or rate of cess to provide more funds to the Pollution Control Boards either of the State or the Centre.

It is known to all of us that it is an important subject. Initially the water is the life and the water becomes the cause of death. We know it very well. But today everything is getting polluted. The total environment is getting polluted with the increase in urbanisation and industrialisation. Water is the basis for the vast parts of our world. It is an important matter of consideration that the water is the main source of life. If water gets contained and polluted, then existence of life, not only of the human beings but also of other organisms like animal kingdom, the plant life, becomes difficult. Sometimes due to pollution of water, human life comes to a stake and the same is the case with lives of animals and plants.

There was a Bill enacted in the year 1974. In that Bill, 'pollution of water' was defined. 'Pollution' has been defined under the Act to mean contamination of water or discharges of any sewage or trade effluents or other substances into water which is likely to create a nuisance or render such water harmful or injurious to public health or safety or to the life and health of animals or plants or aquatic organisms. But today, the existence of life, not only of human beings but also of animals and plants is at a stake. With the development of our society, industrialisation is very much needed, urbanisation is very much needed. But due to untoward effect of urbanisation or industrialisation, our environment is getting polluted. Industrialisation is needed for civilisation. Industrialisation should be done in such a meticulous manner, in such a planned manner so that environment does not get polluted, it does not harm the existence of life. But many a time, we find that the big industrialists never bother about the existing rules and acts which are prevalent in our country. They do not bother about the safety and security measures enacted by these Bills. In this way, many a time, water gets polluted and brings

disastrous consequences to the public life as also to the life of the community...

The contention of the Bill is to make a provision for increasing the Cess. I suggest to the hon. Minister and through him to the Government to make such a provision. There are our Central and State Pollution Control Boards. But we do not know the functioning of these boards. Many a time, - public face the hazards but nobody gets the punishment though there is a provision for major penalty action. As per the existing rules there is a major penalty action. The penalty for the offences of using streams or wells for disposal of polluting matter goes upto imprisonment for six years with fine.

SHRI MORESHWAR SAVE (Aurangabad): I would like to draw your attention that there is no quorum.

MR. CHAIRMAN: Let the quorum bell be rung.

Now there is quorum. I would like to bring to the notice of the Hon. Members that for the second time within forty minutes the quorum bell had to be rung. Therefore, I am requesting the Whips of all the parties to kindly make sure that the time of the House is not wasted in waiting for the quorum to be completed. Thank you.

DR. RAM CHANDRA DOME: Sir, day-by-day our environment is getting polluted. Water is an important factor for the existence of life in the world as a whole. If water gets contaminated or polluted then the existence of life will be at stake and consequently the process of civilisation will be at stake. Industrialisation is needed but if industrialisation is going to cost the human lives then it should be checked. Definitely industrialisation itself is not responsible; the science and technology itself is not responsible for making life miserable. But the unscrupulous people and industrialists, those who bother little for the civilisation, for lives, are using these unscrupulous practices to create pollution. So a reasonable Government must react to that effect. And suddenly we have some legisla-

tion in hand'. There are pollution control boards under the State Governments and there are Central Pollution Control Board; but often we find that these boards are not working upto the mark. Sometimes some officers of those Boards are very much in connivance with unscrupulous industrialists. That is why the ill of industrialisation, that is pollution, does not come to light. But when a major industrial accident happens it affects the whole civilisation, the community, public health, everything. So my suggestion to the Government is to make necessary amendment to that effect also, so that any unscrupulous industrialist or any officer in connivance with those unscrupulous people should not go scot-free.

I want to suggest one more thing. With the benefit of green revolution today we are finding that we are using many modernised chemicals and pesticides. But they are also being used indiscriminately without any expert consultation or prescription. This way we are getting more agricultural production; but we are bothering little about environmental pollution. Sometimes, particularly in the rural India, we find that there is water pollution with chemicals, manures and pesticides. Sometimes they get mixed with the water and this water goes to rivers, canals and pools also and the rural people who are consuming this water get ill, particularly gastro-enteritis. Many a time it causes public health problems. In this area also the Government must take measures, must find some legislation, so that this indiscriminate use and unscrupulous practice is stopped and the public health is restored.

I suggest that though increase of cess is necessary for the functioning of control boards in the States or the Centre, at the same time the Government must give attention towards increased pollution, so that these control boards pay much more attention to the hazards of public health.

With these suggestions, I support the Bill.

DR. KARTIKESWAR PATRA (Balasore): Sir, at the very outset, I would like to congratulate our Hon. Minister for bringing forward, 'the Bill of awareness' because we are not aware of the environmental circumstances; we are not aware of how the atmosphere is getting polluted.

When there was bursting of atom bomb at Nagasaki and Hiroshima, the entire world got panicky. Consequently in Japan, the progeny which were born later were waned, blind or scrambled or crippled or handicapped. Even when there was the Gulf war, at that time also, the environmentalists of the world were very much afraid, that the world would face the greatest and serious crisis due to pollution. You know very well that at that time, right from the Himalayan range, the entire glacier was covered with black dust.

MY friend here has expressed that the atmosphere is getting polluted, water is getting polluted and things like that. The world is cosmos and not chaos. But we are making the world chaotic. What is life? We have lost ourselves in living. That means we are not properly living. We have lost ourselves in living means we are living in polluted cities, in polluted atmosphere, in polluted water, totally in pollution. But we are keeping ourselves busy with some sort of business or the other.

Once upon a time in China, the race of birds like heron was completely smashed due to the application of pesticides. Then, the world environmentalists were invited to find out as to how to protect the rare species of the world.

But, here the aims of the Bill are not directly just like that. It is to augment the resources of the Central and State Pollution Control Boards. What I have told here is that the awareness is being imposed on persons, on companies, on the Government, in this way.

Another thing is that it is to increase the

[Dr. Kartikeswar Patra]

resources so as to enable them to take steps for the prevention and control of pollution of water. We have to increase our funds because the cost of living is increasing day by day, because our budget is increasing day by day. Our budget is being increased but we are hesitating to increase the budget for environment which is very much essential for our lives. It is directly linked with the lives of human beings.

One of my friends told that the approach and responsibility of the Minister is very poor. But I differ with him. The approach and responsibility of the Minister or his Ministry is very much wide and congenial to life. That is why this Bill has been brought forward. I do support the Bill and also request the Hon. Members of this House to support it because, I am told, it is directly linked with the human lives.

Some sort of measures have been suggested by the Hon. Members. I am sure, the Hon. Minister will take some action on their suggestions because of increase in commitments. That is why the increase in cess will be there.

Some Hon. Members quoted that the increase in cess for water for domestic use should not be there. This increase is only one paisa. But in respect of processing whereby water gets polluted and the pollutants are easily bio-degradable, the increase is 3.5 times. And in the case of processing whereby water gets polluted and the pollutants are not easily bio-degradable and are toxic, the increase is three times. This sort of approach of the Minister is welcome. Now the Minister can take some measures in big cities where the environment is polluted. Take the case of Calcutta, one of the biggest cities of India, where you can only inhale smoke and dust and nothing else. In Calcutta, to get rid of smoke and dust, some situation should be created there about how to get rid of pollution of water and air. Some sort of scientific plan should be chalked out. You know, the Russian people took immedi-

ate steps to get rid of pollution after the Gulf War. In other parts of the world also, the environmentalists and scientists are taking positive steps. I request the Hon. Minister that some eminent scientists should be included in the Water (Prevention and Control of Pollution) Boards either in States or at the Centre. If you impose more cess, I have no objection because this sort of little cess does not harm our people.

17.00 hrs.

That is why, I am congratulating you for bringing this sort of a Bill, a Bill of awareness. And that is why, I am again requesting the Hon. Members of this House to support this Bill. An Hon. Member categorically told that if power will be with the officers, then they might become corrupt. Absolute power corrupts absolutely. There is no doubt about it. There should be certain checks and balances in order to control corruption so that corruption can be avoided. There should not be any apprehension in the mind of the Hon. Member.

With these words, I support this Bill and I conclude my speech with thanks to the Chair.

[Translation]

DR. LAXMINARAYAN PANDEYA (Mandsaur): Mr. Chairman, Sir, the Bill has been moved with the objective augmenting the capacity of various Water Pollution Central Boards and to improve their financial position. I would like to submit that it is easy to increase cess, but at the same time it is also necessary to increase the capacity of these Boards. As industrialisation and urbanisation are increasing, problem of pollution is also aggravating in the country. Especially in the areas where chemical industries, rayon industries, leather industries and starch industries are located. Water discharged after utilisation of these industries is polluted. Before setting up these industries, an assurance is always given by them that they will have check on pollution, but in



practice the position is reverse. As far as I know various industries got no objection certificates from the Pollution Control Boards to this effect, but later on none adhered to the laid down rules and conditions. As a result, all the water resources in proximity to these areas got polluted and even water of the tubewells having depth of 200-300 feet and located at 15kms away got polluted.

I am not referring just to Madhya Pradesh, Uttar Pradesh and Gujarat, but as far as other places where these industries are located, pollution is on the rise and the situation has become so worse that the people living close to industries on the banks of rivers and water resources, are leaving their villages. Cattle are dying and the fertile agricultural land is shrinking. Therefore there is a need to be cautious on this issue. As far as I know pollution Control Boards took punitive measures against certain industries but their cases are still pending in the courts for years. If proper corrective measures are not taken against the industries, they would become independent and not only independent but also free to pollute rivers and other water resources. Till date only pollution of Ganga and Jamuna is highlighted, but the rivers flowing in Madhya Pradesh like Chambal, Kshipra and Narmada too are in the grip of pollution. The effluent of Rayan company is polluting the river Chambal in Nagda and the river Kshipra in Ujjain and the water located even at a distance of 10-15 km. in these rivers also polluted. Similarly Sajjan Chemicals and Jayant Vitamins in Ratlam are polluting nearby water resources. I conducted an 'on the spot' visit to these sites and wrote to your Ministry for taking appropriate action in this regard. Starch Industries have polluted the river Shivna in my constituency, Mandasaur and also in Sh. Phool Chand vermas', constituency, Maksi, causing the scarcity of drinking water. Therefore, there is a need to take effective steps to check the pollution. Besides increasing cess there is a need to amend the laws and rules so that the pollution can be controlled effectively. Otherwise the people will not be able to get even the drinking water. During the last days, I went to Ratlam, I saw the polluted water

being discharged from Chemical industry. It was so polluted that several birds including 200 peacock died of drinking that water in a day. Peacock is our national bird. Trees shed their leaves and also flames were seen. I doubt, whether pollution control boards are effective. You may raise cess, but augment the capacity also. If more resources are to be allocated, then go ahead. But you pay your attention towards checking the pollution.

I want to make another submission. Proper enquires should be made before issuing the pollution certificates for setting up any industry. Now the practice is that some officers go and inspect the sites etc. and submit their reports in favour of the industry and clearance certificates are issued to set up industries. It is not an effective practice. It needs to be improved. If rules are not adhered to strictly, then I think issuing of clearance certificates after conduction. The preliminary survey is meaningless. The matter needs to be reviewed from this point of view and the rules also may be made stringent in this regard.

The Hon. Member Shri Jaswant Singh, Just now drew attention towards humanitarian aspects of the problem of availability of safe drinking water. There is need to the water of the rivers like Narmada, Chambal, Shivna and Kshipra continue to be polluted and if this situation continues for some time more, there will be no drinking water at all. It needs a serious consideration and effective steps.

I would like to submit that the Government should ponder over this aspect and make the boards effective, armed with by providing them more effective powers. Delegation of powers to just a few officers will not serve the purpose. Powers can be conferred on officers of the boards, but there should be some control over them so that these officers do not indulge in whims and fancies. The Government should not be liberal with the officers, but take strict action against the guilty officers. This is the need of the day. A time limit for taking action against the defaulters must be set, otherwise long time is



[Dr. Laxminarayan Pandeya]

wasted in completing the procedure i.e. issuance of notices and filing of replies by the defaulters etc. I only want to submit that effective measures must be taken in this regard. Then only we can control the pollution problem.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, I rise to support this Bill the Water (Prevention and Control of Pollution) Cess Amendment, 1991. This Bill is intended to augment resources for funds for better functioning of the Anti-Pollution Boards. The Bill is most non-controversial and as such and very rightly also, it gets the support from all sides of the House. This is one of the few Bills, which is going to be passed unanimously.

We are all, more or less, aware of the dangers of pollution which are ever increasing. Day by day, all sorts of pollution - air, water and sound pollutions are increasing and it will not be wrong to say that not only India alone, but the entire human civilisation is passing through a process of slow poisoning. The danger of pollution is such that we are passing through a slow-poisoning process.

17.10 hrs

[MR. DEPUTY SPEAKER *in the Chair*]

While lending all support to this Bill, I would like to know from the Hon. Minister, who is very enthusiastic and is trying his best to effectively check pollution, what is the income that the Government or the boards are now getting from those sources and what will be the increase after this amendment is brought in, and is it going to meet substantially the requirement of this essential sector. I do not think so. Government will have to provide more funds and they will have to give economic help to these organisations.

During Shri Rajiv Gandhi's time a very laudable scheme for cleaning the Ganga was introduced. I think that was half way through because of paucity of funds. We are discussing very much about the world Bank, IMF loan in the air. We should see that funds should come from all those for this very essential sector.

This Bill has precisely three provisions. The objective is augmentation of sources by upward revision of cess. This Act was passed 14 years ago. During those 14 years the economic structure has undergone significant changes. Prices have gone up in all areas and so to run the industry they have to pay more for the water they use. Secondly, sir, the rebate which was 70 per cent before is now being reduced to 25 per cent.

Thirdly in the absence of returns the local officers are being empowered to assess the amount of cess to be paid.

So, Sir, all the provisions are quite welcome but I would like to say that these will not suffice. The augmentation of resources that is being proposed by this amendment will not suffice and it will also not meet a fraction of the requirement of this gigantic task. Checking pollution is a gigantic task. Water pollution is threatening. According to the WHO Report, 80 per cent of the total water - not of India alone but of the entire world - is polluted. Coming to India, the very capital city, Delhi is situated on the bank of the river Yamuna which is also causing concern in terms of pollution. This river is increasingly being used for a variety of purposes like fishing, irrigation, immersion of cremated bodies apart from discharge of sewage and industrial effluents.

According to another Report of WHO, 2000 million litres of waste water is discharged into this river mainly by small scale industries in and around Delhi.

You see, Sir, how horrible, it is? Sir, about 350 million gallons of sewage is deposited everyday into the river in Delhi. Out of this, only 40 million gallons are treated in

sewage treatment plants. If this is the situation in the Capital city of our country, then imagine, what is the plight in other towns and cities. I am pained to observe that after the Ganga cleaning operation the tanneries in Kanpur discharge pollutants into Ganga rendering the Clean Ganga Project ineffective. Whatever was needed was not done. Whatever was done is now rendered ineffective due to the discharge of pollutants into Ganga.

Sir, I would like to know from the Minister whether the Clean Ganga Project was a time bound programme. If so, what is its progress till today?

Today, hardly we can name any river or *nullah* which remains pure in our country. Even the Governments of Haryana and Rajasthan are accusing us that effluents are being discharged by a large number of industries that are located in Himachal Pradesh. So, this is gigantic task and consorted efforts should be made in this direction. Of course there is a silver lining in the dark clouds. The Government of India are thinking of floating a New National River Action Plan. Under this plan, they have earmarked Rs. 1,000 crores which will be shared by the Central and the State Governments in the proportion of 50:50. In the first phase, 13 rivers will be taken up which will be called Ganga Cleaning Operation Phase II.

So, we are striving for this technical advancement or prosperity of the country. Without industrial advancement, we cannot really prosper. For that, there is a problem of pollution - water pollution, air pollution and so on. Rapid industrialisation has brought about serious threat to the rich and vast water resources. What is required is a balancing factor between the two. Right from the independence when industries were allowed to be set up, this aspect was lost sight of. These treatment plants are also meant for preventing smoke to be discharged. So, such plants are needed but these are very costly things. Therefore, they were avoided by the entrepreneurs even in the public sector. But, now, it is a must. Whatever Plants are

going to be set up in future, it will be insisted upon.

And at the same time, all the existing plants without these devices, without these treatment plants, should be taken up a phased manner, and this phased manner should not linger on for quite some time; it should be done very quickly even by way of arranging finance from different financial institutions.

Almost all the Municipalities discharge their wastes into the sources of water meant for public consumption.

We have now a good Act and we are making some timely amendments; but that is not enough. As I stated on different occasions, India is a country where these progressive legislations are not wanting; but what is really wanting is their implementation in true spirit, in letter and spirit; and in this case also, it is quite applicable. So, whatever provisions we have got in the Acts that we have got in our Statute Book, they should be fully implemented in right perspective, with all the seriousness, in letter and spirit.

While coming to the activities or the performance of the Anti-pollution Boards I would like to say that they are dismal; they are existing on paper in some States.

Even some Members who are associated with such Boards - I am sorry to say this - their integrity and conduct of a few such Members also is not above board.

What happened to one of the biggest dam projects of the world, Hirakud Dam Project other two being one of the pioneering multi-river project of India, Damodar Valley Project and Bhakra Nangal Project? The longest dam of the world, which is also our pride, that is the Hirakud Dam Project, which is located in my constituency near Sambalpur in Orissa, has developed cracks.

One of the reports suggest that the mercury discharged in the form of effluents by Orient Paper Mills at Brajaraj Nagar to the river Ib is responsible for this. But the Boards,

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.