

**(viii) Need to take steps for overall development of Orissa State**

**SHRI K.P. SINGH DEO (Dhenkanal):** Orissa is an under-developed State, naturally endowed with abundant mineral, forest, water and human wealth and resources. Successive five-year developmental plans and financial assistance including central devolution of funds, based on the recommendations of Gadgil formula, modified Gadgil formula and Consensus formula of 1990 have failed to arrest and reduce the gap of regional disparity and imbalance.

Keeping in view the percentage and number of poor and weaker sections of society, scheduled castes and tribes, small and marginal farmers unemployed labour force, unemployed educated youth amongst the population of Orissa, the Government of India and the Planning Commission must find ways and means and take effective steps to undertake massive investments not only in the Eighth Plan which is under formulation, but also take special steps in setting up the second Steel Plant, mineral-based Industrial undertakings with employment generating capacity; expand and set up ancillarisation of existing plants and industrial undertaking ago-based and food-processing plants, medium and minor irrigation projects, thermal power plants at coal pit-heads in order to arrest and remove the paradox of poverty amongst plenty.

**(ix) Need to review the decision of allowing Private sector in Defence production****[Translation]**

**SHRI JAGAT VIR SINGH DRONA (Kanpur):** Mr. Deputy Speaker, Sir, I want to raise an issue of urgent public importance under the Rule 377. Kanpur is an important industrial city of the country, where several Defence Production Factories providing employment to thousands of people, both local and others from the different parts of the country, are located and producing defence material. The

Government's decision to entrust the Private sector with the supply of defence articles has put a serious question mark not only before the future of the workers of the defence factories at Kanpur but also of other such factories in the country. This decision has caused a threat to the security of the country. This decision has adversely affected the employees of those factories. They are not getting promotions. Due to non-recruitment in these factories, there is further increase in unemployment. The intrusion of the private sectors in the sensitive area like defence is a very serious threat to the security of the country. Due to this decision, it is not possible to maintain the quality, reliability and secrecy and the result of this will be very dangerous for the country.

Hence, it is my request to the Government to cancel its decision immediately so that the interests of the employees of these factories may be protected and no one may take any liberty with the security of the country for his personal benefit.

14.49 hrs.

**WATER (PREVENTION AND CONTROL OF POLLUTION CESS (AMENDMENT) BILL -CONTD.****[English]**

**MR. DEPUTY SPEAKER:** We shall now take up Item No. 4. Now the hon. Minister will reply to the debate on the motion for consideration of the Bill moved by him on 20th November, 1991.

**THE MINISTER OF STATE OF THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI KAMAL NATH):** Mr. Deputy Speaker, Sir, it has been heartening to see the unprecedented and wide interest that this Bill has generated. Hon. Members from across the House have spoken enthusiastically and at length. I am happy to add that practically all sections of the House have expressed basic agreement with the objectives of this Bill.

Sir, the hon. Members have made some perspective observations on the Bill and have given very valuable suggestions to tackle the problem of pollution. Certain specific cases of pollution have also been referred to. I assure the hon. Members, especially my friend, Mr. Charles, who made a point yesterday about Travancore Titanium, and just today in the papers have seen the extent to which pollution is being caused by this unit. I shall certainly be looking into this matter and taking very stern measures.

Sir, after the conclusion of the discussion on this Bill, I feel more confident with the kind of support which I have got. At times I have felt rather alone in some of the measures which I have already taken because there has been resistance, there has been lack of understanding in many quarters. But after the conclusion of this debate I have seen the tremendous insight which all Members cutting across all party lines have expressed, I feel certainly more confident and I am sure that all the suggestions they have given will be very useful and will be very valuable inputs in the formulation of the policy for the future.

Sir, I would like to specifically and emphatically state that the commitment of the Government to abatement of pollution for preventing further deterioration of the environment, conserving what we have and improving upon it. A view has been expressed by the hon. Members that the working of the Ministry of Environment and Forests is against the spirit of liberalisation announced in the Industrial policy Statement. I would like to be very clear on this, Sir, and I would like to remind the hon. Members that the policy Statement clearly states that while industrialisation will be fully encouraged, this will not be in disregard of environmental considerations. No effort will be spared to protect the ecologically fragile and environmentally sensitive areas of the country from unplanned industrialisation and polluting enterprises. On the other hand, I would like to caution the hon. Members against the perceived conflict between development and environment. I don't say

there is a conflict. In fact, in my view we cannot have one without the other. There can be no real development without ecological conservation and neither can you have ecological conservation without sustainable development. There have been attempts to show that there is a conflict between ecological preservation and development, and I think this attitude will do great harm to society. It shall be my effort to blunt the edge of the perceived conflict between environment and development. We, in my Ministry, are not anti-development, we are pro-development, but pro the right kind of development. It is not the Ministry of Forests and Environment alone which is the custodian of the environment. We are all holding and conserving the environment for future generations. Parliament is the trustee; I have only been charged with the responsibility of implementing the will of Parliament as expressed in its legislation.

The problem of pollution no doubt is a complex one involving many interconnected matters. I beg the indulgence of the House, to elaborate on this, when so much time has been taken, so much interest has been shown, I will dwell at some length on this. There is an increasing trend today in environmental pollution, whether it is on air, water or soil. Water is polluted by two kinds of wastes, traditional organic waste and waste generated by industrial processes. While it is estimated that three fourth, by volume, of the waste water generated is from Municipal sources, industrial waste though small in volume contributes over one half of the total pollutant load, and the major portion of this is coming from large and medium industries. For class-I cities of the country less than five per cent of the total waste generated is collected and less than one fourth of this is treated, that is barely one per cent.

Intensive agriculture based on chemical agents for fertilisers and crop protection pesticides have also become a major cause of water contamination and pollution by ammonia, nitrates etc. Ambient air quality trends in the major cities indicate that levels

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of suspended particulate matter are higher than the prescribed standards or limits, especially in summer months. Levels of nitrogen dioxide are increasing in urban centres with growing vehicular emissions. It is just not a question of having any standard or enforcement of standard. There is the question of technology. When we talk of vehicular pollution, we need unloaded petrol, we need higher technology engines. We have vehicles today on the road which are 10 or 15 years old. So, this has an economic ingredient in it. My Ministry has set standards, some of which have to be complied with by 31st of March, 1992. They are another step in dealing with vehicular pollution which in Delhi alone accounts for almost 60 per cent of the total pollution in the air in Delhi. By some estimates, Delhi is the fourth most polluted city in the world.

Environmental problems today are becoming larger and bigger in scale. The chemical industry generates an increasing quantity of substances every year adversely affecting essential aspects of the composition of the atmosphere, soil and water. In the industrially high density areas, in addition to the effects on local health and impact on nature, we are confronted with damage to the social and economic functions of the environment. With restrictions on releases to air and waste water, hazardous chemical wastes are getting diverted to land for their disposal. Earlier concerns with pollution that was visible and degradable are giving way to new types of pollution with very small quantities of synthetic chemicals that are not visible and are injurious to health and damage the environment because of widespread use, persistence and its toxicity. Reducing the hazards from toxic chemicals is now a primary public concern.

Human activities are also influencing the composition of the atmosphere. Despite uncertainties and insufficient knowledge, political and scientific decisions concerning environmental change will increasingly be necessary. The state of the environment

despite all efforts, continues to deteriorate. The growth in scientific and technical knowledge has made it possible to use an ever-increasing quantum of natural resources. Previously what was not usable in our natural resources has become possible to be used with the developments in technology. The depletion of forests has been accompanied by an increasing amount of pollution affecting atmosphere, soil and water. Some of the damage, we must understand and understand very emphatically, is irreversible.

15.00 hrs.

When top soil is eroded, one inch of top soil takes hundreds of years to come back. When we talk of dam, we have to talk of the catchment area and treatment plan. There is a logic, there is a rationale in it. There is a question of the life of the dam; there is a question of preserving the top soil; there is the question of preventing further erosion.

In seeking higher quality of life and obtaining benefit of economic growth, we need to focus on building clean technologies into our production pattern—clean technology and waste control. Pollutants are nothing but waste. Pollution control involves changing the waste from one form into another residue which has to be disposed. Thus pollution control is nothing but waste management. The best form of waste management is to have waste control. So, our efforts will be on waste control technologies. Our efforts will be on the abatement of pollution complementing the Government's forest policy. The Government seeks to ensure that its policies in every sector are based on a set of principles that harmonise economic growth and environmental imperatives.

Having tried to encapsulate the environmental hazards which our country is facing, I wish to emphasise that it is just not enough for the Government to notify laws and expect them to be complied with. A positive attitude on the part of everyone is essential for the prevention of pollution and

wide consultation held with those who implement the legislation. A comprehensive approach needs to be taken to integrate environmental and economic aspects in development and development planning. Stress is to be laid on preventive aspects, abatement of pollution and promoting all technological inputs to reduce industrial pollutants. The objective must accordingly be to integrate environmental consideration into decision-making at all levels.

To achieve this, steps will be taken to prevent pollution at source. It is to encourage, develop and apply the best available technical solutions. In short, the polluter pays for the pollution and control it. It is also to focus protection of heavily polluted areas and river stretches and to involve the public in decision-making.

Many specific examples have been given to me. Some of them, we are already aware of. An example has been given to me of the Thane area. There are areas like Chamber in Bombay. It is like a gas chamber and its pollution levels are some of the highest in the world, in respect of total contamination and pollution. We are focusing on heavily polluted areas. I am fully aware that we have to start somewhere and to be specific, and tackle the worst affected areas first. As I said, certain specific areas have been earmarked and identified by my Ministry which we are calling heavily polluted areas. Special action plans are being implemented for controlling pollution there. For those areas, monitoring is being done regularly to ensure that industrial units comply with the effluent and emission standards within a time-frame and also that the total ambient pollution load in the area is within norms. This has been taken up. For example, in areas in Orissa, Talcher, Brajrajnagar, Berhampur and the pollution discharged into the Mahanadi and Brahmani rivers, we are taking up.

We have identified 17 heavily polluting sectors and these include chemical and leather industries, about which mention was also made by some Members. These

industries have been given direction to comply and meet the prescribed standards. We shall give them notice and stringent action will be taken if they do not comply with these measures by 31st December, 1991.

One of the problems which has been persistently and consistently coming up is the problem of fly ash from thermal units. Fly ash is none of those pollutants that tampers with not only the air, but also with soil and water. Reference was made by many of the Members that some areas have become black. Farmers have been agriculturally hit. A large number of fruit tree have spoiled bearing fruit. The issue of fly ash disposal is under very active consideration in my Ministry. Fly-ash utilisation in our country is of a very small order. Only 1/20 of fly ash is what our utilise wiles as compared to other countries, we will be insisting not only on greater usage of fly-ash but on recycling fly-ash in the future and this applies not only to the new thermal units but also to the older thermal units which have faced these problems. We shall be using the environmental laws very stringently to face the problem.

The Ganga Action Plan was mentioned by many Members.

SHRIMATI GEETA MUKHERJEE (Panskura): Who will bear the expenses of those plants? I am interested in Kolaghat, Pan is being destroyed altogether in Kolaghat.

SHRI KAMAL NATH: It is very true. Today there are technologies to use fly-ash. Fly-ash can be used for bricks. They have a very good pay back period. Fly-ash can be used in road-building. Usage of fly-ash as party the project itself should be done. And once this is done, there will not be any real cause for problem. The problem will arise in old thermal stations which do not have the requisite area. While according sanction to any new thermal station, one of the top priorities which we are looking at is the question of fly-ash. We are trying to encourage the fly-ash industry. Even the

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Finance Minister has given some economic incentives to fly-ash units.

SHRIMATI GEETA MUKHERJEE: It should be implemented quickly in Kolaghat.

SHRI KAMAL NATH: O.K. The Ganga Action Plan was started in February, 1985. This problem of pollution of rivers was perceived and felt very strongly by our late Prime Minister Shri Rajiv Gandhi and it was under his Chairmanship that the Central Ganga Authority was set up. The object of the Ganga Action Plan is to intercept and divert the wastage flowing into the river with a view to improve the water quality and convert it into a resource for sciculture irrigation and methane gas production for energy generation. It is also aimed at ensuring the biotic diversity of the river to augment its production particularly, the fish resources.

Under the Ganga Action Plan, Phase I, 25 major towns were taken up for pollution abatement works. These towns were selected on the basis of population. The prioritisation of Phase II of the Ganga Action Plan will be done on scientific criteria depending upon pollution loads and requirements of designated best-use quality of river water.

I certainly have with me notes of what the Members' suggestions are with regard to what they have stated on where the Ganga Action Plan should be extended to and, more than anything, I am very acutely aware that this needs to be done and we would extend the same strategy which we have in Phase I to other rivers and water bodies in our River Action Plan as distinct from the Gange Action Plan and I assure the Members that Government will give highest consideration to their suggestions.

In Phase I, there are very detailed figures. There is improvement in the water quality and in the water standards where this Plan went into operation. I have the figures. If any Member wants, I will give him. But I will

not go into the details now.

Sir, one of the very important issues raised here was that of noise pollution. I entirely agree with the Members that this is perhaps one area of pollution which is most suffered and least perceived. Noise can irritate, annoy, interrupt sleep, increase stress, disrupt concentration and even damage one's health. It affects all of us in one way or the other. While most people accept that this is a very grave problem, noise is one of the biggest pollutants, it is very difficult to mitigate this pollution. We have notified standards and guidelines have been framed by us. I have personally written to the Chief Ministers to enforce the provisions particularly in the vicinity of hospitals, schools and residential areas. I am aware that loudspeakers blare out all night with no concern for the average public. Government is prepared to consider even more stringent measures. I shall be looking at even more stringent measures of noise pollution because I think we have to have consideration for other members in the neighborhood as members of society.

SHRI MUKUL BALKRISHNA WASNIK (Buldana): In fact will this law be applicable to Parliament also?

SHRI KAMAL NATH: It is for the Parliament to decide.

SHRI E. AHAMED (Manjeri): This law should also be applicable during the time of elections too. (*Interruptions*)

SHRIMATI VASUNDHARA RAJE (Jhalawar): A pertinent point was raised about noise pollution. But you just mentioned that you will be discussing this with the State Chief Ministers. What about Delhi itself? Place like Ashram Chowk, Ring Road and various other places also are prone to this. I think in this House itself it was mentioned at one time. The hon. Minister Shri Jagdish Tytler said that he was making great efforts to see that traffic would be diverted in such a way that this noise pollution would be dropped. He also said certain safeguards

would be used. I would like to know if you would be able to get this thing going and going soon because the level of pollution - noise and otherwise has grown beyond belief in Delhi itself.

**SHRI KAMAL NATH:** Undoubtedly, it has grown very much in Delhi itself. As I said earlier, I had written to all Chief Ministers including the Lt. Governor of Delhi. There are certain really noisy areas in Delhi. One of the areas was mentioned by the hon. Member. Noise pollution has grown very acutely in these places. As I said, I am willing to make it even more stringent. Further, noise pollution is covered under the Environment Protection Act. There are certain inherent like marriages and religious functions where loudspeakers are put on. We have to have a norm for that. Before we set up such norms, I will have wider consultation with all people. But with regard to specific points of Delhi, I shall take them up with the Lt. Governor again to see that something is done there. My initial thrust was in abating the noise pollution near hospitals, outside the Institute of Medical Sciences etc. You find loud and heavy trucks moving outside the colleges, outside major residential areas where no noise should be there. I am taking up this matter with the people concerned. This issue shall be given priority.

**SHRIMATI VASUNDHARA RAJE:** There is another thing. I would like to mention about vehicular pollution. Vehicles emitting fumes are increasing more and more. Currently, this problem has grown in Delhi itself beyond imagination. So, something has to be done about vehicular traffic exhaust from the trucks and buses.

**SHRI KAMAL NATH:** I think that the hon. Member is not aware that I mentioned that this is a severe problem. Delhi is the fourth most polluted with and certain standards have been set, which have to come into force. Probably, she did not hear earlier.

Several Members have raised the issue

of Central and State Pollution Control Boards. Suggestions have been made and rightly so - that eminent scientists be nominated to these Boards. I wish to inform the Members that already we have several scientists and technocrats on these boards, but I shall bear the suggestions of the Members in mind, and if necessary, we shall reconstitute the Central Pollution Control Board to make it more effective in the changed context today in meeting the challenges of the new policies and implementing the strategy which I have outlined. Similarly, advice will be given State Pollution Control Boards. Just yesterday, we have concluded a national-level consultation of State Environment Secretaries and Chairman of the State Pollution Control Boards and we have discussed many of these issues. I did inform them of the views of my colleagues on the floor of the House. We are aware that there is greater need of strengthening the implementation machinery at the field level, and in certain areas, it needs reorganisation, in certain areas it needs strengthening and we are working in that direction.

Coming to the Bill, the main import of this Amendment Bill is to ensure that industry does not consume a scarce resource like water. We must understand that water is not an unlimited resource. Water is a scarce resource. Water is a community resource and thus there is no waste in this. It is not merely a question of raising the cess or raising the tax. The question is that the industry must be contained in this. The rates which I propose to increase are being increased after 12 years of the Act being in force. An important feature of this Amendment is a two-tier cess structure which is being created for the first time - a lower tariff for industries which conform to optimum water standards, optimum water consumption and a higher tariff for those industries which continue to use water in excess of these optimum standards. We have to make a distinction and that is why, I have created a two-tier

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cess structure.

Furthermore, the brunt of increase is being made to fall on industries that generate pollutants that are toxic and non-biodegradable. As may be seen from the cess structure which I am proposing the brunt of it is falling on industries which generate pollutants that are non-biodegradable and are toxic. This is the charge on community that industry to operate, must compensate community and society. That is the concept.

This Bill just does not seek to augment resources. That is one of the objects. The thrust is in a different direction. It does seek in one of its measures to augment the resources of the state Pollution Control Boards which have to be strengthened and which do need the funds. The expected rise in this cases collection will not merely be there because of the increase in rates, but because there shall be better identification of polluting industries and the built-in disincentive for industries using wasteful technology. I have tried to create a disincentive for those industries using wasteful technology. I have definitely considered the suggestions made by Members about the domestic rates. I would like to point out to hon. Members that the increase in rates for domestic consumption shall be very negligible. It is estimated that for a household the increase will be 12 paise per month per family. We have calculated it. I share with you the basis of our calculation. For a family which consumes 200 liters of water per day in one month the impact on that family will be 12 paise for the entire family for the entire month. (*Interruptions*) Let me complete. I am open to suggestions. But let me complete what my objective is. On the other hand, when we look at the other side of it, there is urgent need for municipal bodies to streamline their water distribution system. That is very important. The increase in cess would be an incentive for municipalities to cut down on waste and ensure supply of water to households, if they

are to make good the extra cost of the cess. There is lot of water which is wasted by municipalities. All of us are seeing water going waste. Now they will conserve that water to get extra revenue arising out of the sale of water.

[SHRIMATI MALINI BHATTACHARYA *in the chair*]

When water is so scarce a commodity, I feel it is criminal on the part of the municipal bodies to be negligent in supply and distribution.

I would also like to point out another aspect with regard to domestic consumption. This will not be a burden on rural population. This shall not be a burden on rural population. This shall not be a burden on the urban poor because they get their water from hand-pumps, from public standposts. This will apply to those who draw metered water supply. The poor do not get metered water supply. They don't have water meters in their houses. It shall not be affecting the rural poor, it shall not be affecting the rural people at all and it shall not be affecting the urban poor because they are not getting the metered water supply.

SHRIRAM NAIK (Bombay-North): Even the urban poor get metered water supply.

SHRI KAMAL NATH: I am talking about those who do not have metered supply. Not many of the urban poor have water meters in their houses. I am talking about them.

PROF. PREM DHUMAL (Hamirpur): But how will you regulate them?

SHRI KAMAL NATH: This applies to local bodies. It applies to the poor also who have metered supply. But the impact is 12 paise per month and this impact also is just not a revenue resource, this impact streamlines many other things, provides incentives through many other things, this impact also is a motivation to the municipal bodies. When I hold these aspects together, I thought 12 paise per month was not a major impact for the urban people who are drawing

metered water supply. Those who are not drawing are taking from the public standposts. In rural areas, in the villages they are not getting metered water supply. So it will not be affecting the rural people in the villages; it shall not be affecting the urban poor who are not drawing metered water supply. A total exemption for the domestic sector would I think send a wrong message. We want people to realise this. As I said, the intent of the Bill is that the people must realise water is a scarce resource; it is a community resource; it is not an unlimited resource and it should be treated as such.

My Ministry would very like to play a role - promotional, catalytic and an awareness raising role - in a spirit of humility. We are conscious of the special situation of developing countries like ours with the rapidly increasing population and equally increasing legitimate aspirations of the people. All my Ministry endeavours to do is to point to the sustainable path which does not take water or natural resources including fauna and flora as free gifts to be drawn upon at will regardless of the diminution in quantity and quality. The user should keep in mind and also look to the requirement of generations to come. Hence the thrust we have had is on clean air and water and in cleaning up pollution sources as much as our resources, technology will allow us. It is in this process that my Ministry and the organs of the State Government try their best to use a carrot and stick policy. It is my endeavor to make our the carrot tastier rather than the stick harder. But I would like to hasten to reassure the hon. Members that no consideration other than sustainable development, sustainable utilisation of our resources, as scientifically assessed will govern our actions. If, in the process, we are seen at times as being negative in outlook, I would submit that this Ministry must be seen in the wider context of the fact requirements of our environment. The stress is on the that the responsibility for the protection of environment is not of a Ministry here a State Government there; but of all of us and I would plead, Madam, for greater understanding of the balancing role required in the process of development and

environment.

With these words, I seek the support of all the hon. Members in the House for the amendment Bill which I have moved. Thank you very much.

MR. CHAIRMAN: The question is:

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

*The motion was adopted*

MR. CHAIRMAN: The House shall now take up Clause-by-Clause consideration of the Bill.

The question is:

"That Clauses 2 to 4 stand part of the Bill".

*The motion was adopted*

*Clauses 2 to 4 were added to the Bill*

#### Clause 5

SHRI E. AHAMED: I beg to move:

page 2,-  
omit lines 35 and 36 (1)

page 2, line 39,-  
for "a" substitute "any" (2)

Madam Chairman, I want to speak on my amendments. In Clause 5, there is an amendment to Section 7 of the Principal Act. I move my amendment to delete this. The reason for the amendment is this. The hon. Minister has just said that he has the policy of 'carrot and stick'. But, he is only using the stick without giving carrot, for the persons who will be doing something good for the purpose of pollution control. May I read Section 7 of the Principal Act?

"Where any person or local authority,



[Shri E. Ahamed]

liable to pay the cess under this Act, instals any plant for the treatment of sewage or trade effluent, such person or local authority shall, from such person or local authority shall, from such date as may be prescribed, be entitled to a rebate of seventy per cent of the cess payable by such person or as the case may be, local authority".

The hon. Minister has brought an amendment reducing that 70 per cent to 25 per cent. I would like to ask the hon. Minister as to what is the reason to reduce this rebate of 75 per cent for doing something good for the purpose of the pollution control? We have to penalise those who are violating the statutory provisions of the Pollution Act and other rules. But, as a matter of fact, the Principal Act has given some concession - a rebate - of 75 per cent for the installation of treatment plant. This is being reduced to 25 per cent for no reason whatsoever, for no fault of theirs. There is also no such provision to the effect that if there is any violation, it will be reduced. Even the policy that the Minister has enunciated here in the House is that those who are following the rules will be given concession and encouragement. So, those who are installing the treatment plant should be allowed to continue the same rebate of 75 per cent. That is why, I have given my Amendment No. 1.

Amendment No.2 is a very small amendment. I hope that the Minister will find no difficulty to accept it. I do not think that it is a grammatical mistake. In the amending Bill which the hon. Minister moved here, in Clause 5, sub-clause(b), there is a new proviso. May I just quote it here?

"Provided that a person or local authority shall not be entitled to a rebate, if he or it-...."

I move that in the proviso, "a" should be substituted by the word "any". 'a' has been used in the principal Act which is for a positive action by the person. I must just quote here.

MR. CHAIRMAN: I request you to be brief, Mr. Ahamed: SHRI E. AHAMED 'be entitled to a rebate' is correct. But in the proviso, it is stated that:

"...local authority shall not be entitled to a rebate."

If I may say, it should be:

"...shall not be entitled to any rebate"

and not 'a'. I would request the Minister to accept both the amendments.

SHRI KAMAL NATH: Madam, with regard to the 70 per cent rebate, I would like to inform the House and the Hon'ble Member that it is not merely a question of installing the pollution control equipment. What we have found from experience is that this should be graded down. It is not just a measure of reducing the rebate. It has been brought to my notice by some of the Members also in the Consultative Committee meetings and it has come to our notice otherwise that much of the pollution equipment, which is being installed, is not up to the mark. Secondly, when it is there, it is not being used. It is not being run. So, I do not want to get into the aspect of mere installation of it. It should be run. It should produce the desired results. Now with this two-tier system, if it is working, in any case, they get a great advantage, there is an incentive. The effect of that is being met in the graded structure of the cess. Whenever there is a load-shedding, the first thing which is done is they shut off the equipment. Although, When an inspection, is held, they show that it is there. That is not enough. I am going into the effect of that equipment. If that equipment is there and it is working, they have an advantage. That is why, I have brought it down to 25 per cent. I shall request the hon'ble Member to withdraw this and to look at it from this point of view.

With regard to his second amendment, which he has moved, which is from 'a' to 'any', it does not make any substantial change. I am inclined to accept his second amendment from 'a' to 'any'.

SHRI E. AHAMED: I seek leave of the

House to withdraw my amendment No. 1.

MR. CHAIRMAN: Has hon. Member leave of the House withdraw the amendment.

SHRI E. AHAMED: Yes.

*Amendment No.1 was, by leave, withdrawn.*

MR. CHAIRMAN: I shall now put Amendment No.2 moved by Shri E. Ahamed to the vote of the House.

The question is:

Page 2, line 39,-  
for "a" substitute "any" (2)

*The motion was adopted*

MR. CHAIRMAN: The question is:

"That Clause 5, as amended, stand part of the Bill."

*The motion was adopted*

*Clause 5, as amended, was added to the Bill.*

MR. CHAIRMAN: The question is:

"That Clauses 6 and 7 stand part of the Bill."

*The motion was adopted*

*Clauses 6 and 7 were added to the Bill*

**Clause 8**

SHRI E. AHMAD: Madam, in the light of the Minister's reply, I would not like to move my amendment.

SHRI KAMAL NATH: I beg to move:

Page 3, line 31, in column(3) under the heading "Maximum rate under sub-section (2A) of section 3",—

for "Seven and a half paise" substitute—  
"Nine and a half paise" (4)

Madam, I would like to explain why this came up at the last stage. This Bill was introduced in the last session of Parliament. There were some suggestions after introduction. One of the suggestions which I thought was very valid was that there should be a distinction between easily biodegradable and non-biodegradable and toxic. It is because of these suggestions which I got, I decide to make this distinction. Some Members also gave me suggestions that there is a difference between the industries whose pollutants are easily biodegradable and those who are not easily biodegradable but also toxic. So, I moved this amendment. There is a lot of sense and wisdom in it. And since I have brought in the concept of economic incentive and disincentive, I thought that I should at this point make a distinction between categories 3 and 4, specially in the case of those industries which are not following the prescribed standards. I have not done so in those industries who are following the prescribed standards as will be seen. I have done it only in the case of non-biodegradable and toxic ones and those who are not following the prescribed standards. So, to create a distinction, I have moved an amendment to raise it from seven and a half paise to none and a half paise.

The hon. Member raised a point that it was so casually drafted and not thought of earlier. It was thought of before. This Bill had very wide consultations before I had introduced it in the last session of Parliament and I am happy that there was a time gap between introduction and consideration. There were some suggestions also. This was one of the very valid suggestions which I had received. There was a two months gap since the last session ended. I am sure that if the Bill had come up for consideration in that session itself, I would have definitely done it immediately. So, this is the object and reason for my moving this amendment.

SHRI RAM NAIK: Though I am not

[Shri Ram Naik]

moving my amendment No.5 to Clause 8, I would like to speak on this. The only relevant point is this. Why I have objected the Minister's amendment is that it should have come on the first day of the discussion. Then I would have appreciated the arguments advanced by the Minister.

SHRI KAMAL NATH: I would like to clarify this point with your permission. I had intended to move it on the very first day. But there was certain procedure I had to go through. The paper work had started on it, much before. There was certain procedure with regard to the approvals, with regard to the President's assent and so on. This was in motion and that was why I could not do it on the first day.

MR. CHAIRMAN: First let us take up other amendments of this Clause. Mr. Bhargava, are you moving your amendments?

SHRI GIRIDHARI LAL BHARGAVA(Jaipur): Yes Madam. I bet to move:

Page 3, line 25, in column (3) under the heading

"Maximum rate under sub-section (2A) of Section 3".-

for "Three paise" substitute-

"Two and one fourth paise" (6)

Page 3, line 31, in column (3) under the heading "Maximum rate under sub-section(2A) of section 3",-

for "Seven and a half paise" substitute "Seven paise"(7)

MR. CHAIRMAN: Prof. Rawat, are you moving your amendments 8, 9 and 10 to Clause 8?

PROF. RASA SINGH RAWAT(Ajmer):

Yes Madam. I beg to move:

Page 3, line 23 and 24, in column (3) under the heading "Maximum rate under sub-section(2A) of section 3".-

for "Two and one-fourth paise"  
substitute "Two paise" (8)

Page 3, lines 25 in column (3) under the heading "Maximum rate under sub-section(2A) of Section 3",-

for "Three paise" substitute "Two and a half paise"(9)

Page 3, lines 27 in column (3) under the heading "Maximum rate under sub-section (2A) of section 3",-

for "Seven and half paise"  
substitute "Seven paise" (10)

SHRI RAM NAIK: Madam, allow me to conclude. The Minister has rightly explained why there has been a delay in coming to the House. I wanted to point out exactly the same aspect. As the Minister has explained, I take his explanation in proper spirit and hence I do not wish to move my amendment No. 5 to Clause 8. But hereafter the Government should be more careful.

MR. CHAIRMAN: Mr. Bhargava, You wanted to speak.

[Translation]

SHRI GIRDHARI LAL BHARGAVA: Madam Chairman, I am very happy that the hon. Minister accepted one of my suggestions regarding air-pollution. I would like to request him further to control the noise pollution often caused during the zero hour in the House....(Interruptions)

SHRI MUKUL BALKRISHNA WASNIK: It is caused by you people only...(Interruptions)

SHRI KAMAL NATH: We will not have any hesitation if the Environment Protection Act comes into force after the consent and

any hesitation if the Environment Protection Act comes into force after the consent and permission of this House..(Interruptions)

SHRI MUKUL BALKRISHNA WASNIK:  
But it will entirely be your liability...(Interruptions)

SHRI KAMAL NATH: you move a motion, I will admit immediately.

SHRI RAM NAIK: Mr. Speaker may admit it, you cannot.

SHRI GIRIDHARI LAL BHARGAVA: I would like to say that in the foreign countries blowing of horn is an offense but in India the same is a fun. On the back of vehicles we often see such inscription "Horn please". Would you like to think over this also? The people in India do not hesitate to blow horn even in night whole in fever countries, it is an offense to play it even in the day. Would you do something regarding the noise pollution also as you have accepted my suggestion about the air-pollution?

I have made a request to reduce the rate of cess on water for the domestic use as well as for the use of factories just because the existing law is not sufficient.

Yesterday also I had said that the jurisdiction of the Pollution Board is confined not to water only but it is extended to water, air and sound also. First of all, it should be strengthened because the employees working in the water works are posted to the Water Pollution Board as a punishment; there too he hardly works. Fresh appointment should be made in the Board. You must follow the pattern of punishment as is being followed in the Police Department. When some policeman is found guilty the Police Inspector sends him to the Police Line. It is, therefore, essential to appoint fresh Officials in the Board or make some provision for the proper punishment to the guilty and negligent Officials. Besides, there must be a provision that the factory which does not follow the instructions for installing the required pollution control plant, should

be liable to pay the compensation against the damage caused by it. Then only they will abide by the rule and install the required plant in their respective factories.

I think it would be injustice to the people of India if cess-rate is increased without making the pollution Board efficient. First of all it must be strengthened and a will power should be developed to do some positive thing in this regard. After that if you raise the cess it may be termed as proper step. I once again submit that the sound pollution may also be controlled as I have said earlier also.

PROF. RASA SINGH RAWAT: Madam, in connection with the amendments moved by me on this Bill, I would like to state that all types of pollution whether it be air, water and sound pollution, must be controlled, and we are all unanimous in this regard. Besides this, there is a need to make the Pollution Control Board more efficient but I would like to say one thing more that any sort of arbitrariness should not be allowed. Simultaneously, the development work should not be suffered in the name of pollution control. Much attention is required on this particular issue. Some special care must be taken in this regard, so that the officials of the Pollution Control Board may not begin to interfere in every work on the same line as the Food Inspector or Sale tax inspector or income tax inspector does. Besides, I would like to make one more request through you that cess on water for domestic use should not be raised. And with your permission, I withdraw the rest of Amendments moved by me.

SHRI KAMAL NATH: I quite agree with the hon. Minister that to play horn has become a fun now-a-days. It is correct that on the back side of trucks it is usually written "Horn Please". I too had mentioned it earlier in my reply. In this regard I have written letters to all the Chief Ministers also and I am thinking to make it more strict. In view of the feelings expressed in the house, I assure the hon. Members that I will take some more strict steps in this regard.

SHRI BHUWAN CHARDRA  
KHANDURI (Garhwal): Would you like to  
ban the production of musical hors?

SHRI KAMAL NATH: I will look into this  
matter. I cannot answer it right now. But  
certainly it is something which is worth  
considering.

[*Translation*]

The hon. Members' submissions will  
certainly be considered and more strict action  
will be taken. As far as raising the cess on  
domestic water is concerned, I have said it  
earlier, perhaps the hon. Member was not  
present hereat that time, that it will not affect  
the rural people. It will not affect even the  
urban poors who take water from water-  
posts. It will affect only those who are getting  
water through metred-supply system. They  
too will be least affected from it as there is  
only difference of 12 paise per month in each  
family. I do not think it will cause much  
inconvenience. Our main purpose and  
sentiment behind this is:

[*English*]

We want to treat water as a scarce resource.  
We want to treat water as community  
property.

[*Translation*]

It is not going to affect the rural people  
and the urban poor who take water from the  
stand post. It will affect only those who get  
water through metred supply system and  
there will be difference of only 12 paise per  
month per family. So I would like to submit  
that the hon. Members should not press for  
this small cess which is confined only to a  
particular group and to pass this Bill.

[*English*]

MR. CHAIRMAN: I shall now put  
Amendments number 6 to 10 moved by Shri  
Girdharial Bhargava and Prof. Rasa Singh  
Rawat to the vote of the House.

*Amendments Nos 6 to 10 were put  
and negatived*

MR. CHAIRMAN: I shall now put  
amendment number 4 moved by Shri Kamal  
Nath to the vote of the House.

The question is:

"Page 3, lines 31 in column (3) under  
the heading "Maximum rate under sub-  
section (2A) of section 3",-

*for "Seven and half paise"  
substitute "Nine and half paise" (4)*

*The motion was adopted*

MR. CHAIRMAN : The question is:  
"That Clause 8, as amended, stand part  
of the Bill."

*The motion was adopted*

*Clause 8, as amended, was added to  
the Bill*

MR. CHAIRMAN : The question is:  
"That Clause 1, Enacting Formula and  
the Long Title stand part of the Bill.

*The motion was adopted"*

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

SHRI KAMAL NATH: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: Motion moved:

"That the Bill, as amended by passed."

(*Interruptions*)

[*Translation*]

SHRI MOHAN SINGH (Deoria): Madam  
chairperson, I have heard both the hon.  
Minister's reply and all the amendments  
made in this regard. The hon. Minister has

left two points in his speech, it has been said that there is much pollution on the sea-beach of the culture. According to my knowledge the five star and three star hotels are being frequently constructed on the sea-beach between Puri and Konark due to some vested interest. That is an important beach of the country, which is valuable from the tourist's point of view also. Once the former Prime Minister, Smt. Indira Gandhi took a decision that no big hotels could be established along the sea-beach upto the range of 500 meters. A difference had erupted also between a Cabinet Minister and Minister of state on this issue. But now as I have come to know that the permission is being granted to contract a hotel even within the range of 100 meters from the sea-beach.

Madam, as has been mentioned earlier that due to pollution, fishes and other aquatic creature are now available at a far distance of 14-15 kilometers. Is the Government considering to remove sea-pollution and not to permit hotel-construction along the sea-beach? My second point relates to the sound pollution. I have already referred to this point in my speech. the engine not of a motor-car...(Interruptions)

[Translation]

SHRI MOHAN SINGH: Madam, I would like to say a few words regarding the sound pollution also. I had mentioned it in my speech also. A vehicle bearing not a motor engine but a pumping set engine carry the people. That engine creates more noise than the horn. Is the Government considering to control this sort of things also which create sound - pollution? It is a very common thing in the country.

So, I would like to know the hon. Minister's reply over these two points. I have already supported this Bill.

[English]

SHRI RAM NAIK: Madam, I want to raise a point of order. (Interruptions)

SHRI SRIKANTA JENA (Cuttack): It is just a third reading. The hon. Members who are here want to make some clarifications and the Minister must respond to these clarifications.

SHRI RANGARAJAN KUMARAMANGALAM: I want to respond here. I am on a point of order. Even at the third reading stage, if you want to have a clarification, you should have given a notice in advance. You cannot jump like this and ask anything from the Minister. You do not know the rules. (Interruptions)

SHRI SRIKANTA JENA: The Members have a right to seek clarifications. The hon. Minister should clarify the points raised by the hon. Member. He has not replied to them. There is a precedent and we will raise points. If you want to avoid answering the points raised by the hon. Member, that is a different matter. The hon. Minister is avoiding it.

SHRI PAWAN KUMAR BANSAL (Chandigarh): You cannot raise new points; you can raise to points arising out of the Minister's reply.

SHRI KAMAL NATH: Two points have been made. One point is with regard to some hotel in the beach in the Konarakpuri area. There is a Notification to that effect laying down what the considerations are, what are the rules and regulations in this regard.

The State Government of Orissa have made certain representations regarding this. This has not yet been considered; no view has been taken. I do not know of any case of any specific hotel; it is not to my knowledge. But the State Government has mooted this concept and they have said that this 500-metre clause is not in order; it should be relaxed. We have asked them for some more information. This will be examined scientifically; and this shall be examined in all details; it shall not apply only to one area but shall be a policy issue.

SHRI SRIKANTA JENA: Just like Goa.

SHRI KAMAL NATH: It is a question of policy; it is not a question of one area.

SHRI RAM NAIK: I had raised one policy matter issue which was not replied. It pertains to the introduction of the new cess or new taxes from the new accounting year or the new financial year. I have suggested that whatever new tax or new cess is levied, they should start from the First of April. So, this Act or this Bill which has a clause saying that "the Bill will come into force by Notification", I would suggest that this Bill, after it is passed, after it is assented by the President, should come into force from the First of April, which is a new financial year so that everybody will be prepared for proper adjustment of the accounts; and that is easy from the administrative point of view also. On this point, the Minister has not clarified.

SHRI KAMAL NATH: This really has no linkage with the Budget; this is not a budgetary proposal. I think the hon. Member is suggesting that just like other things start from the financial year, from the First of April like the Budget, this should also start from the First of April. I don't think we should link this up with the Budget at all. This will come into force from the date of the Notification; and we will consider when this should be notified in consultation with the States' Pollution Control Boards, because we are also in a hurry to strengthen them. There is a certain amount of revenue which is going to come up out of this. We have to drive the message home about the whole object of the Bill, as I said, it to drive the message home to industry about the concept of the water, from that point of view, there is a little bit of hurry. But I shall consider the views of the hon. Members and will take a decision on this. I cannot take a view right now.

MR. CHAIRMAN: The question is: "That the Bill, as amended, be passed."

*The motion was adopted.*

MR. CHAIRMAN: We shall now take up the next item.

16.00 hrs.

TEA COMPANIES (ACQUISITION  
AND TRANSFER OF SICK TEA UNITS)  
AMENDMENT BILL

[English]

THE DEPUTY MINISTER IN THE  
MINISTRY OF COMMERCE (SHRI  
SALMAN KHURSHEED): On behalf of Shri  
P. Chidambaram, I beg to move:

"That the Bill to amend the Tea  
Companies (Acquisition and Transfer of Sick  
Tea Units) Act, 1985, be taken in into  
consideration."

MR. CHAIRMAN: Motion moved,

"That the Bill to amend the Tea  
Companies (Acquisition and Transfer of Sick  
Tea Units) Act, 1985, be taken into  
consideration."

[Translation]

SHRI GIRDHARI LAL BHARGAVA  
(Jaipur): Mr. Chairman, Sir, I beg to move:

"That the Bill be circulated for eliciting  
opinion there on by 24th February, 1992."  
(1)

PROF. RASA SINGH RAWAT (Ajmer):  
Mr. Chairman, Sir, I beg to move:

"That the Bill be circulated for eliciting  
opinion thereon by 26th February,  
1992." (3)

[English]

SHRI KABINDRA PURKAYASTHA  
(Siichar): Madam Chairperson, I rise to  
speak on the Tea companies (Acquisition  
and Transfer of Sick Tea Units) Amendment  
Bill, moved by the Commerce Minister for  
consideration and passing by Parliament  
which is essentially required. The Minister,  
in the Statement of Objects and Reasons of  
the Bill mentioned that under the Act of 1985