

SHRI P.R. DASMUNSI (Howrah) : Did they ask the Punjab Government to do something? Or, is it that they themselves would be doing something?

MR. CHAIRMAN : I recommend that the Government should give some monetary grant to the next of kin of the deceased personnel.

SHRI MOHD. MAQBOOL DAR : Sure, Sir.

MR. CHAIRMAN : Thank you.

SHRI MADHUKAR SARPOTDAR (Mumbai North-West) : If the Punjab Government has done something, it should have been mentioned in the statement. The hon. Minister should also have clarified what the Central Government wants to do.

SARDAR SURJIT SINGH BARNALA (Sangrur) : The Punjab Government has already announced a relief of Rs. 1 lakh for each of the victims and the next of kin of the deceased.

SHRI RAMESH CHENNITHALA (Kottayam) : The Central Government can also give some money to the victims and the next of kin of the deceased.

SHRI P.R. DASMUNSI : He has already assured us of that.

SHRI RAMESH CHENNITHALA : He can give them double the money.

15.13 hrs.

STATUTORY RESOLUTION RE: DISAPPROVAL  
OF NATIONAL ENVIRONMENT APPELLATE  
AUTHORITY ORDINANCE - *Contd.*

AND

NATIONAL ENVIRONMENT APPELLATE  
AUTHORITY BILL - *Contd.*

[English]

MR. CHAIRMAN : The House will now resume discussion on the National Environment Appellate Authority Bill. Shri K.V. Surendra Nath.

SHRI K.V. SURENDRA NATH (Trivandrum) : Sir, I rise to support this Bill.

MR. CHAIRMAN : I would request hon. Members to restrict their submission to ten minutes, if possible.

SHRI K.V. SURENDRA NATH : I will be as brief as possible.

I rise to support this Bill and welcome this important piece of legislation. There actually have been some lapses. In 1974, we effected a Constitution Amendment, which made it a duty and an obligation for Government and all the citizens of India to conserve, preserve and improve the environment. That was in 1974. Then, a spate of legislations came in and finally, in 1986, the

Environment Protection Act was enacted. That contains at least two provisions dealing with the same point as the present legislation now trying to deal with. Under Section 3(1) of the Act, the Government can, when the need arises, appoint an Authority, or by whatever other name it is called, to decide on the environmental problems. Section 5 gives the Government powers to issue orders on environmental problems to whoever it concerns. These were provided for in 1986.

We have taken about twelve years to propose this piece here on the creating of an Environment Appellate Authority. In the meantime, there have been a large number of issues including that relating to Kerala's Silent Valley, where after having a protracted struggle for ten years, we won the Silent Valley is now safe and protected.

There were several other cases. The affected people did not have a place to go to. They had to go to the civil courts, possibly to get a negative order. So, the sole resort for the aggrieved was to approach the courts, including the Supreme Court. What was to be the last resort become the first resort for the people who were affected by environmental problems. That is what has happened. The number of cases rose. There was no solution. Environmental Protection Act did have certain lacunae and deficiencies. It did not have the teeth. So, it was very difficult to use the Environmental Protection Act to solve all these problems. As one of the previous speakers said, an order was issued by the Supreme Court but in an entirely different context in Tamil Nadu. It has nothing to do with this. Anyway, this Bill is a very big thing and I welcome it. All these problems arose because the civil courts did not have a clear approach and direction to deal with these cases. As one of the hon. Members said now we will have a quasi judicial body which should take decision within a fixed time limit, that is, three months or at the most four months. This is a blessing. We should not negate the good impact this piece of legislation is going to make in the environmental sphere for its belatedness. The world is now concerned with environmental problems. Almost all the countries have enacted legislations several years back. Canada, a small country with two crores of population had brought a legislation ten years back. Almost all the other countries have done it. I do not know about Africa and Latin America. We in India are ten years late. But better late than never. This is what I have to say about this.

Now, a question arises regarding the counterpoising of development with environmental concerns. Positive development has to take care of the environmental problems. Environment and development should be integrated together. That is the only way to bring about what we call sustainable development. Without sustainable development, we would first be wasting our

[Shri K.V. Surendra Nath]

natural resources, we would be spoiling the ecology and we would be destroying the forest and wealth of bio diversity both have. So, to be united and integrated. The Development has to be integrated along with environment. It should be environment-cum-development. I hope this independent Authority would insist upon such an approach. I do not want to say anything more. Many issues could be discussed, but I do not want to, because time is so scarce. I am not going to deal with all those things. I just want to deal with one or two things. As I said, I support this Bill. The Bill is welcome. At the same time, I have some suggestions to make.

MR. CHAIRMAN : Will you please conclude now?

SHRI K.V. SURENDRA NATH : Sir, I will take only one or two minutes. I think I should allowed this much of time. It has become inevitable. Due to the new policy of globalisation and liberalisation, the environment, including the great Himalayas, is in danger. To protect the environment including the Himalayas, to protect our rivers and to protect our sea coasts, some restrictions have to be made. People's interests are in reality suffering because of bad environment. That is what I want to say.

Now, coming to the clauses of the Bill, I would say that Environment is an all India Problem. The proposed authority have to function from Delhi. As you know, India is a vast country and how can they tackle it from Delhi? There are two categories of coastal line; one category is the sea coast up to 200 metres from where the waves touch the land, and the other is the area between 300 and 500 metres from where the waves touch the land. Thus, our coastal zone itself is bigger than that of any other country. With such a vast area, how would they be able to tackle it with the limited means and equipment given to them? I do not know how they are going to tackle this problems.

When I went into the details, I found that the Authority was left to work out its own schedule of time, place, mode, features and procedure, etc. It was also left to the Authority itself to decide about the rules and regulations. Many more things are also left to the Authority itself to decide. In all the Authority would have five members, that is what the Bill says.

MR. CHAIRMAN : Okay, please wind up.

SHRI K.V. SURENDRA NATH : I am winding up. I have to make only two more points.

MR. CHAIRMAN : I suggest, you reduce it to one more point only. You may choose the most important of the two because a lot of other hon. Members are to speak. I think, in all fairness, you have got to give opportunity to others.

SHRI K.V. SURENDRA NATH : Okay.

The number of members is restricted to just five. It should be increased to at least seven. I am not going into the justifications because there is no time. The second point is that the Chairman would resign or retire at the age of 70 and the members would do, so at the age of 65. At the same time, there is the provision for tenure, that is, they will have a tenure of three years. When they are to have the criterion of age, why should they have another criterion of tenure? When they want to restrict the tenure, why do they insist on our age limit? I do not understand it.

A 'Person' is defined as to include a State Government, Panchayat, Municipality, association of people, etc. A person can have grievances which may arise out of the environmental problems. When it is conceded rightly that some lawyer could raise a debt of create confusion an association of people can also have the same grievance? That has to be sorted out. That is what I want to say.

MR. CHAIRMAN : Okay. Thank you very much.

Now, Prof. Jitendra Nath Das. You may please take only ten minutes.

PROF. JITENDRA NATH DAS (Jalpaiguri) : I am very glad to support this Bill as this Bill is very nice. While supporting this Bill, I would like to hope that this Bill would be executed in the truest sense.

Environmental protection has been the most neglected area of our national life. There are so many rules and regulations to check pollution in our country. It is not as if there is no Statute to bring the culprits to book. In spite of all this, the position of India in the field of pollution is very bad. As you know, the capital of India, Delhi is the fourth most polluted cities in the world. I think that not only the Central Pollution Board but also the State Pollution Boards have been polluted. The Government should come forward to execute all its rules, regulations and laws. I would like to know the latest position of the victims of the Bhopal gas tragedy like who has to get compensation, their rehabilitation and about the punishment to be given to the persons responsible for the tragedy. I would also like to know from the hon. Minister as to whether Bailadila, the most important mine in our country, has been closed by the directions of the court. If so, I would like to know the exact direction of the Government.

Sir, there is a law that no industry would be set up without having an effluent treatment plant. But we see that industries are being set up done with goal on setting up effluent treatment plants and as a result people are exposed to various diseases. You know that there are so many power plants in our country from which nitrogen dioxide is being discharged which is

dangerous to the health of our people. What is the reaction of the Government to this problem? It is alarming that in our country, the judiciary is assuming the role of the Government in various spheres including pollution control. For example, 168 industries have been ordered to be closed down in Delhi by the order of the honourable Supreme Court. Nine hundred tanneries in five districts of Tamil Nadu have been fined to the extent of about Rs. 10,000 each and they are going to take many other steps in the field of pollution control. So, I would like to know from the Government whether the role of the Government is allowed to be played by the honourable Court in this way.

There are so many lakes in our country. Is there any proposal to make all these lakes to be treated as national lakes? In this regard, I would like to point out that Mirik Lake of Darjeeling has already been proposed by the State Government of West Bengal to be treated as a national lake. The Central Government should clear this proposal.

Another thing is that open cast mining is found in coal mining areas which will have an effect on the environmental discipline. What is the reaction of the Government in this regard?

Lastly, I would like to impress upon the Government that an alarming situation is prevailing throughout the country in the field of pollution, i.e. environmental degradation. It is high time that the Government should realise its responsibility and statutory obligation to protect the degrading environment in our country and to protect the people of the country from becoming unnecessary victims of this pollution which causes environmental degradation.

[Translation]

SHRI NITISH KUMAR (Barh) : Mr. Chairman, Sir I had also given notice of motion for disapproval of the National Environment Appellate Authority. Ordinance 1996-97 Shri Giridhari Lal Bhargav moved that motion. I would like to support his motion because the tendency of promulgating ordinance is not a healthy practice. It has been provided in the constitution because when Parliament is not in session and if any emergency or special circumstances arises only then a ordinance should be promulgated.

[English]

'Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action'.

[Translation]

What were those circumstances when this ordinance had been promulgated. Several days have passed and now a bill to replace that ordinance has been introduced in the House. The discussion is going

on here on that Bill. The Government want to set up an authority. Now why that authority has not been set up so far. Instead an ordinance has been promulgated. I could not understand this. The Government want to curtail the rights and powers of the Parliament and do not want to discharge its duties with responsibility. It want to use its extra-ordinary powers. The Government want to avoid the right course of functioning the statement of objects and reasons of the Bill says :

[English]

"In view of recent pronouncements by the Supreme Court in certain public interest litigation cases involving environmental issues, it was considered necessary to take immediate steps to set up an independent body for quick redressal of public grievances. Accordingly, it was proposed to provide for the setting up of a National Environment Appellate Authority to deal with petitions, complaints, representations and appeals against the decisions of the competent authorities granting environmental clearances to developmental projects..."

[Translation]

Now I could not understand this. Panigrahi ji was saying that there is some confusion. Earlier you said that this Bill has nothing to do with the directives of the Supreme Court. In the Statement of objects and reasons of the Bill it is stated that this Bill has been brought in view of recent pronouncements by the supreme Court in certain public interest litigation cases. If this Bill is brought in view of this and the Government feels so it must have taken action in that direction. Bhargavji was right in saying that the Government should frame rules in this regard. But it has done nothing and has only promulgated an ordinance.

My second point is about another confusion regarding the provision of the Bill. Will this proposed authority hear all cases relating to environment? or when environmental clearance is granted to any developmental projects and it creates some problems and affects people in that case whether any individual or association of individual or organisation can approach the proposed authority for registering their complaints in this regard or can people file petitions in this authority as they file P.G.L. in the Courts. There is confusion in this regard so it must be clarified. I think the proposed authority should be entrusted with vast powers.

I would like to come to my constituency. In my constituency there is a big distillery of Maccowells at a place near Mokama, Hateeda. Whenever I visit there people tell me to see the polluted water of the Ganga. Sometimes people say that the quantify of effluent is so high that if you throw a burning matchstick in this water.

[Shri Nitish Kumar]

It will catch fire. There is no effluent treatment plant in this distillery. Now the management of the distillery may say that the State Pollution Control Board is there. People of that area are facing a lot of problems. Ganga water is considered pure and pious. But here it is question of life and death of the people. Not a single water of Ganga reaches Bihar. Not to talk of Bihar even Banaras do not get a single drop of Ganga water which originates from Gangotri, where according to Hindu religious books people attain salvation. In the name of Ganga water we get water of its tributaries.

There are a number of tributaries of the Ganga in Bihar such as Uttar Bihar and Dakshin Bihar. However, everyone knows that the Ganga water with the lives of people. In this background it a distillery is set up on its banks its effluents will definitely pollute the Ganga water. Can an individual approach this authority in such a situation? Or will he approach the authority only when new projects are granted environmental clearances? I would like that the hon. Minister should at least clarify all these points in this reply. There is a proposal for setting up of an Authority at nation level. If the proposed authority engaged itself in the task of examining all the cases in the entire country, it may take years to dispose them off. To set up an authority is a welcome step but it must be set up at state level. There are State Pollution Control Boards at State level. But they have not the required powers. These boards have no powers to take action. Therefore the proposed authority is a welcome step but it should be equipped with all necessary powers. The Government is saying that the constitution of this authority will reduce load of the courts. But it will be materialised only when this authority will be vested with necessary powers and will be set up at state level as well. Earlier also the court has suggested that there should be a green bench in each court to deal with the issues relating to environment. I would like to suggest that an authority be set up at state level. The Government will not clarify as to why this ordinance is promulgated. I support the Statutory Resolution regarding disapproval of ordinance and hope that more powers will be given to the authority. The allegation of Shri Ram Naik that the Standing Committee of Parliament has been by passed has some substance. After promulgating the ordinance the Government has not taken any action. In other words it wants to by pass the committee. The Standing Committee of Parliament senetrise the Bill and while doing so different ideas are put forward on the basis of which a comprehensive and better Bill is brought forward and more powers could be given to the authority. Bureaucracy don't want to be involved in it. It does not want that the rights and powers of the Parliament be increased. The executive is also on the same footing. Therefore, until and unless the court directs the

bureaucracy no action is taken. Keeping in view the directives of the court and reduction in the powers of the Parliament I support the Statutory Resolution regarding disapproval of the ordinance and appeal to the hon. Minister clarify all the confusion regarding this Bill. With these words I would like to thank you for giving me time, to speak.

[English]

MR. CHAIRMAN : Thank you especially for sticking to the time.

SHRI SURESH PRABHU (Rajapur) : Sir, I propose to oppose not this Bill but the tendencies as well as the way in which this Bill is being introduced to replace an Ordinance. I wish to oppose it on two counts. The first aspect has already been mentioned by everybody so I do not intend to repeat it. I would like to oppose it on some other counts as well.

Various legislations on environment are in vogue. Instead of amending those legislations and trying to consolidate all the legislations under one legislation and calling it a comprehensive Bill on environment, you are bringing in another Act and confusing the affected persons who might be interested to proceed in taking advantage of the various good provisions that existed in this Bill.

There is an Environment Protection Act which prevents the misuse and abuse of environment in certain cases. If a default is committed under that Act, instead of taking any action under that very legislation, we will have to invoke the provisions of new legislation which is now being introduced in the Parliament and then proceed with the matter. Instead of that, the Government should have concentrated all the legislations under one umbrella and bring about a comprehensive legislation. This has not been done and that is why I really wish to oppose it.

There is another reason which really makes me wonder as to whether the Government is really serious in bringing about various noble and laudable objectives which have been mentioned and for which the Bill is now being introduced in the Parliament. If the Government was really committed to bring about control on abuse of environment, the Government would have straightaway started with the rules, as was mentioned by my illustrious friend, Shri Bhargava. A substantial time has elapsed and no action is initiated. So, it makes me feel that this has been done under coercion of the Supreme Court rather than out of the commitment for the cause of environment. Let me straightaway come to the subject because I have to observe the time limit.

The headquarters of the Appellate Authority should not be in Delhi but it should be in some island. Let that island be in Kerala, Maharashtra, Tamil Nadu or in

Lakshadweep. Then and then only the law-makers, the administrators of law, will really come to know the difficulties that are being faced by the people who are affected by legislations like this. Shri Ram Naik mentioned about CRZ. He has invited the hon. Minister to visit Mumbai. I would request the Minister to go a little further and come to the sea coast of Maharashtra. Out of about 720 Kms. of the sea coast line on the West Coast, the substantial part of it is in my Constituency. In the 500 Metres area there is a restriction on construction. Several towns are located there. If you start counting from 500 Metres the other side goes into the brackish water. This means, all these towns which have been located for 100 years now will have to be totally dislocated as a result of this. When you make environment laws like this, you do not take into consideration the realities that exist there. So, if this new Appellate Authority is going to be based in Delhi, we will have to enlighten the Members of this proposed Authority about what does the sea mean, where the sea water flows and what are the difficulties that are being faced by the people whose life is going to be affected by this new legislation.

SHRI RAM NAIK (Mumbai North) : We learn that the sea water is very sweet.

SHRI SURESH PRABHU : Yes, but not for the people who live around the sea coast.

MR. CHAIRMAN : You have not made it quite clear as to what you are trying to get at. One limit is, 500 Metres above the high type. What is the other limit which you have talked about?

SHRI SURESH PRABHU : There are creeks, CRZ-I, CRZ-II. There are various notifications. If you start from the creek, there may be some inhabitation on the creek within 200 Metres.

MR. CHAIRMAN : Oh, there may be some creek at the back.

SHRI SURESH PRABHU : Yes, Sir. This is something which is affecting the lives of thousands and lakhs of people. There is a provision in this proposed legislation which is replacing the Ordinance. The Central Government can see to it if it feels affected or concerned about it. I would request the hon. Minister to immediately take the administrative measures to ensure that the miseries of these people are removed. Secondly, *suo motu*, move the authority on behalf of the Central Government.

MR. CHAIRMAN : You have got another three minutes. This is just a warning bell.

SHRI SURESH PRABHU : I wish you could also give a warning bell to the Minister because this is something which is affecting the people.

The environmental activists are now mushrooming all over the country. I think there is a need to legislate as to who is really an environmentalist. Everybody in the country, who knows or does not know anything about the environment, is qualified to be an environmentalist. I think the definition of an environmentalist is now construed to be one who does not know anything about it but call himself to be one. In that process, lives of thousands of people are getting affected...*(Interruptions)*

[Translation]

SHRI BHAGWAN SHANKAR RAWAT (Agra) : You have said rightly.

[English]

SHRI SURESH PRABHU : The provisions of the Bill are good and laudable. Some amendments are required to be made to the Bill but there is no time to Table them. So, let me put them before you for the consideration of the hon. Minister.

There is a provision for a retired Judge to head the proposed Commission, I think, to bring about a sense of equity and natural justice to the judgements that are supposed to be delivered by this mechanism. But, what is the need for having a retired Secretary on this body? Is it that Government is trying to find jobs for retired Secretaries through this proposed environmental body? I really do not know why this provision has been made in the Bill. A retired Secretary might as well qualify to be a member of this body, but why should a statutory provision be made which makes it mandatory on the part of the Government to necessarily appoint one retired Secretary on this body? I would like the Minister to enlighten us about the rationale behind making such a provision in the Bill.

As an hon. Member has mentioned, there are various aspects of pollution - air pollution, sound pollution, water pollution, etc. I strongly support the proposal that every aspect of pollution should be included in this. But can there be a person in the world who is an authority on all these aspects of pollution? There are colleges and universities imparting specialised knowledge on various aspects of the environment but we rarely find a person in India who can talk on all aspects of the environment whether air, sound or water. So, I request that a statutory provision be made in the Bill to make sure that all aspects of environmental science are represented on the proposed body. Otherwise, we find that the various judgements that would be delivered may really come in for judicial scrutiny in one form or the other and may be struck down on account of lack of application of mind only because we are not making proper provisions at the inception stage of this Bill. There are various provisions to which I want to make a brief reference. I would not make any elaboration on them.

MR. CHAIRMAN : You had better wind up now.

SHRI SURESH PRABHU : In regard to aquaculture, in the case of *S. Jagannathan vs Union of India and Others*, the Supreme Court directed the Government and the District Collectors to demolish the structures by 31st March. Now that the proposed legislation is going to come, is the Government thinking of going in for a review petition to make sure that some more time is granted so that the proposed appellate authority hears the view of the aggrieved and comes to a conclusion? I would like to know that from the Minister. Thank you.

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : Sir, the Bill brought by the Hon'ble Minister is a half hearted effort. In view of the direction of the Supreme Court, Government is completed to bring this Bill before the House while the fact is that a strong will power is required to improve environment and check the increasing pollution and the Government is lacking in it. I would like the Government to create that willpower.

My friend Shri Suresh Prabhu has said something very good and I can not resist myself to share his views. By filing public interest petitions on environment in the court the issue has been turned into a drawing room luxury. Everything is free to file such petitions in the Supreme Court. But in such cases the Supreme Court hears them as well as the Government and things are manipulated by the Government to the wishes of environmentalists. Infact the Government don't pursue the case and also the aggrieved party is not heard by the court. Similar is the case in respect of Sarovar Dam of Madhya Pradesh and the people have been facing difficulties on this account. I would like the Government to constitute a comprehensive authority in this regard and also take care of the lacunae. Infact there is nobody who can hear the tale of their woes. Even in Supreme Court each and every concerned individual can not be heard because the entire procedure for that is very complicated and expensive.

In this connection, I would like to place some facts. Yamuna Action Plan popularly known as Ganga Action Plan Phase-II formulated for improvement of environment is being implemented by taking loans from Japan. This scheme is being jointly implemented by the Central Government and State Governments of U.P., Haryana and that of Delhi what progress has been made with regard to Ganga Action Plan Phase-II, Infact, it is not being monitored properly. It was launched with a lot of fanfare but its purpose has not been served to this day. I have been emphasizing that Ganga Action Plan is incomplete and a complete plan should be made. But neither bureaucrats nor the Minister bothered for for it. When a Minister of U.P. was sent their political instability gripped that State and the views of that poor fellow was

not heard. Now the situation has come to such a pass that issuing directions to tap drains by making them pucca. One of our former Minister had threatened that he would not allow any tourists to visit Agra because Agra has become a dirty city. When he was requested to take steps to make pucca drains and to lay sewer lines in the city, the turned a deaf ear. Now the Supreme Court has issued directions to that effect to the Government placed a small scheme of Rs. 36 crores and the Supreme Court have been deceived about the work done by approximately of that amount. We made tentative project in which at least Rs. 136 crore has been spent. On this way, the Government, too delivered the Supreme Court and it has no any such mentioning process that the facts placed by the State of Central Government are right. Supreme Court deemed it as right.

Sir for uninterrupted supply of power for Taj protected area, a project of Rs. 176 crore was sanctioned and an affidavit was produced in Supreme Court. To a reply regarding this question, the definition of CEA has been given. Even if an electricity line is one km. away from the village it is called an electrification of the village. I want to ask how can a village be electrified by the electricity lines which are one kilometer away from the village can we check the pollution. Can we run the tubewells, operation of generators will be stopped but nobody is here to reply these question. Therefore I would like to know that the Authority constituted for this purpose will also be in a position to review these disparities to correct them. The Government of U.P. has also formulated a supplementary scheme but it has also no will power, the situation is not conducive there and thus clearance is not being given for this scheme. No amount has been made available so far. Despite spending a sum of Rs. 172 crore. The Taj is in the danger. Villages and Mohallas are not electified.

Sir, now I shall say something in brief. There is a big danger of vehicular pollution when we approached the Railway Ministry, their reply is that they are not ready to operate metro and local and circular trains of this authority can compel them to save the Raj, this arrangement may be made. Today there is no such arrangement. If railway has denied it, the Ministry of Environment has no right to compel them. Similarly there was talk of the Ring Road which is also not being constructed. Three national highways are passing from there and vehicles pollution is spreading on a large scale. The Department of Environment has said about the construction of a barrage at Yamuna in Agra. It has been recommended by the Ministry, Parliamentary Committee and many others but the Ministry of Environment have objected to the permission given to it. Now, we have approached to the Department of Irrigation. Mr. Mishra is here, I want to say that he is still

not clearing it. The Department of Environment say to construct a barrage for checking pollution but on the other hand objected for implementing it on the flimsy ground, which is meaningless.

I would like to say that where should the people of Agra go to register their complaints?

MR. CHAIRMAN : You have raised concrete points. You conclude now.

SHRI BHAGWAN SHANKAR RAWAT : The Supreme Court or any of the authorities issue instructions to check these activities but following that how the deteriorating economic condition can be made, these matters need also to be considered. I therefore, would like to submit that his authority should be made are persuasive, comprehensive and powerful so that people are able to make complaint with it. I welcome this thing that this appellate court is not lawyers paradize. It says that there is no need of a lawyer. It is good to have a lawyer, otherwise you will have to defend yourself. But you give this right when it is comprehensive and the Government have also directive that the policy wrong then it should be rectified otherwise it will have repercussion. Otherwise the disired result will not be achieved.

Secondly, I would like to know that people file cases directly in Supreme Court as public interest petitions. I don't prevent them from their right to go to Supreme Court but the crisis being faced in the matter of public interest petitions heard is that the cases are one sided and public is not involved in them. The poor are not able to defend themselves, but injustice is being done to them instead of justice because they do not have approach upto that It would be better if they are to be given justice and then they may approach to Supreme Court.

With these words I conclude and urge upon that it is a good effort but it is a week effort. I urge that a comprehensive authority may be consituted by bringing about a complete and comprehensive bill and legislation. With these words I conclude.

[English]

MR. CHAIRMAN : Hon. Members, the Business Advisory Committee had allotted one hour's time for discussion on this Bill. We have already spent two hours and there are three more Bills to be completed today.

(Interruptions)

[Translation]

SHRI BHAGWAN SHANKAR RAWAT : Sir, it is important Bill, opinions of all the Members should be sought on it...(Interruptions)

SHRI RAJIV PRATAP RUDY : Mr. Chairman, Sir, it is an important matter pertaining to environment ...(Interruptions)

[English]

SHRI P.R. DASMUNSI (Howrah) : Sir, it is an important Bill. There are a lot of things in the Bill itself which we have to bring to the notice of the House and which many Members have not revealed ...(Interruptions)

MR. CHAIRMAN : I would request that in the Business Advisory Committee a point should be raised for allocating sufficient time.

(Interruptions)

SHRI P.R. DASMUNSHI : Sir, ultimately the consent of the House has to be taken...(Interruptions)

SHRI RAM NAIK (Mumbai North) : Sir, I am the Member of the Business Advisory Committee, I would like to throw some light on this. I had a discussion with the Minister of Parliamentary Affairs just 10-15 minutes before. Shri Sontosh Mohan Dev is not present here, but I had discussed this with him also ...(Interruptions)

SHRI RAMESH CHENNITHALA (Kottayam) : It is not correct to discuss what transpired in the Business Advisory Committee meeting. Only the House can decide it...(Interruptions)

SHRI RAM NAIK : Sir, he does not want me to help them. What I am saying is that discussion on this Bill should be continued for another hour and then the next item be taken up. This is what has been agreed by the Minister of Parliamentary Affairs and Shri Sontosh Mohan Dev.

MR. CHAIRMAN : The Business Advisory Committee had allocated one hour. But the House has already extended the discussion for this Bill by another hour. I do not think it is reasonable to extend it by another hour. But I am at the disposal of the House. Would the Minister of Parliamentary Affairs like to say anything on this?

(Interruptions)

SHRI P.R. DASMUNSI : Sir, one more hour is required for this...(Interruptions)

MR. CHAIRMAN : Would the Minister of Parliamentary Affairs like to say anything on this?

[Translation]

The Business Advisory Committee has allotted one hour for discussion on the Bill. One hour is already extended. It has got two hours.

[English]

The request from the hon. Members is to extend it by another one hour but I personally feel that it is too much. What is the opinion of the Treasury Benches?

16.00 hrs.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): Mr. Chairman, Sir, I understand that there are two or three more Members to speak and the Minister's reply will take half-an-hour. If it can be possible to complete it by 4.45 p.m., then we can take up the discussion on the General Budget.

MR. CHAIRMAN : Hon. Members, on my list, there are six more Members. I would request them to kindly stick to five-minute schedule and I suggest that the hon. Minister can give his reply at 4.30 p.m. I would request you to kindly bear with me. Now, there are six more Members and I request them to speak only for five minutes. There should be no interruption so that the time of the House can be saved.

I think, before the hon. Minister replies, Shri Girdhari Lal Bhargava has to speak.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur) : Mr. Chairman, Sir, I will speak after the Minister.

[English]

MR. CHAIRMAN : I stand corrected. Shri Girdhari Lal Bhargava will speak after the hon. Minister's reply. Now, I request you all to cooperate with me.

The next speaker will be Shri P.R. Dasmunsi. You are a very senior Member. I cannot check you. Kindly speak only for five minutes.

SHRI P.R. DASMUNSI : Sir, I will have to do justice to the Bill and also justice to my party's timing. I know that only one speaker has spoken till now. I will be very brief but I will not give you a commitment that I will stick to five minutes, maybe four minutes or ten minutes.

MR. CHAIRMAN : It may be four minutes or six minutes.

SHRI P.R. DASMUNSI : First of all, I would like to draw the attention of the hon. Minister that this National Environment Appellate Authority Bill has quite funny provisions.

16.02 hrs.

[SHRI BASU DEB ACHARIA *in the Chair*]

Section 12 (1) says :

"The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908, but shall be guided by the principles of natural justice..."

...(Interruptions) Sir, where is the hon. Minister?...(Interruptions)

MR. CHAIRMAN : The Minister of Parliamentary Affairs is here.

(Interruptions)

[Translation]

MR. CHAIRMAN : He is out for two minutes.

SHRI GIRDHARI LAL BHARGAVA : You call him.

MR. CHAIRMAN : Several ministers are hearing it.

[English]

SHRI P.R. DASMUNSI : Mr. Chairman, Sir, the United Front Government led by the hon. Prime Minister, Shri Deve Gowda, through his Minister for Environment and Forests, admits very candidly that the Authority shall not be bound by the provisions laid down in the Code of Civil Procedure, Clause 12, but guided by the natural justice. The Government agrees in principle that the Civil Procedure Code will not provide any scope of natural justice. That is one Clause. The other Clause, that is Clause 12(2) says :

"The Authority shall have, for the purposes of discharging its functions under this Act, the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit, in respect of the following matters,..."

I just do not understand it. In one Clause you say that the Civil Procedure Code shall not apply because the natural justice will not come and in the other Clause you say that we shall work in the following orders by following the Civil Procedure Code. I think, the hon. Minister must read the actual difference between Clause 12(1) and Clause 12(2). This is the first point to which I draw the attention of the hon. Minister.

Secondly, Clause 3(2) says :

"The head office of the Authority shall be at Delhi."

It must be 'New Delhi' and not 'Delhi' because whenever you draft a Bill and present it, the head office has never been mentioned as 'Delhi' and it must be 'New Delhi', which is the Capital. I know that the Government's nomenclature is 'New Delhi' and not 'Delhi'. If it is Delhi, the jurisdiction will be that of Shri Sahib Singh Verma and if it is New Delhi, then the jurisdiction will be that of the Union Government. It is the basic territorial mistake.

Now, the other important point is that there is a very peculiar arrangement to protect and to provide job to the retired Judges and to the retired bureaucrats.

I thoroughly oppose it. Is it the commitment of the United Front Government? Is this the way you are going

to solve the problems? On the one hand, they will not be given clearance by the Department. They will say that they will not give clearance. But they will give clearance for industries, whether they pay money or not. I am not quoting anybody here. I know what amount of corruption takes place to get the so-called environment clearance. On the other hand, the same fellow, who was one of his earlier bosses, who was the Secretary earlier, will say that I had recommended your name for the Member of that Committee. What does the provision say? The provision says: "Retired Secretary who served for two years or equivalent level, whose scale was equivalent to that of a Secretary and having some experience or professional knowledge". Are these people superior? It is a very cleverly drafted legislation. Professional knowledge means, professional qualification in environment and ecology. When you say, "practical experience", they can appoint a retired Commissioner of a Corporation also. The bureaucrats have done such things during the olden days. Mr. Minister, please do not play in their hands. Apply your own mind. There are eminent ecologists in the country. There are eminent youngsters in the country who are professionals in this subject. Do justice to the nation. Do not take only those people who sit in South Block or North Block or in your Department here, who after their retirement decide the matter again. Do not always think of that. That way, this Bill is just contrary to the United Front's commitment and their basic approach to the system.

In the name of environment, a racket is going on. I entirely agree with the speech made on the other day by Shri Sharad Yadav. Yes, in some urbanized areas, these problems are coming up. We can understand that. But throughout the length and breadth of the country, it is not the problem which you are creating purposely dancing to the tunes of the United States.

Now I will just give you a few examples. First you have to decide that you talk to the Ministry of Industry and have a conference with the Chief Ministers. Now there is no licensing in the country. Everything is de-licensed. First you classify what are your hazardous industries which require environment clearance and what are the industries which are not hazardous. Those industries which are not hazardous, why should they go and apply for clearance? You demarcate the area for the hazardous industries. If you go strictly to the sense of hazardous, this evening, you have to shut down your thermal power units all over the country. It is because the coal dust of thermal power units creates problems. Are you ready to do that? Can the Government do that? It is impossible. If somebody goes and appeals to the Authority that this thermal power unit should be closed, what do you do? I tell you this Authority is like a BIFR.

I am sorry to say that earlier the Parliament used to act and the Supreme Court used to interpret. Now the Supreme Court is directing the Parliament and the Parliament is enacting.

MR. CHAIRMAN : Please conclude.

SHRI P.R. DASMUNSI : I am not concluding. I am just coming to the point.

MR. CHAIRMAN : You try to conclude because the discussion has to be concluded by 4.30 p.m.

SHRI P.R. DASMUNSI : This legislation looks like a simple Bill. It is another operational group which will centre all the powers in their hands.

[Translation]

Money will be needed both for environment clearance and the Appellate Authority. Hence, I want this to be referred to a committee for scrutiny and reconsideration after the debate is over in the House. There is no need of a retired judge. We solve the retired judges but they and the retired bureaucrats do not need any gratuity or pension. There are many intelligent, educated and sensible people in the country. A committee of such persons should be formed.

[English]

As you know, Sir, the biggest victim is my State. The small units of the foundry did all the things to control the effluents as per whatever direction. They did everything. Still 110 units are closed by the Supreme Court.

[Translation]

Directions should be given. People say that the pipes are not working, the officer should be bribed. There should be a representation of the trade union is the Appellate body.

[English]

Social obligation is supreme and top.

[Translation]

This country can not be run by directing the workers of their livelihood. This should be referred to the select Committee. We are not ready to cheer this Bill to provide re-employment to the retired officers.

SHRI HARBHAJAN LAKHA (Phillaur) : Mr. Chairman, Sir, I thank you for giving me an opportunity to speak on the Environment Protection Bill. I will conclude within five minutes.

It was welcome to bring forth the Pollution and National Environment Protection Bill. I condemn the statutes of the country that preach that the aborigines of the country should set up their habitats around filthy drains and places because every citizen of this country

[Shri Harbhajan Lakha]

has a right to live at a clean place. People live in slums around filthy drains at the banks of Yamuna a few kms. from here. In Delhi, five lakh people live in slums. Is the Government going to do something for them because they are the aborigines of the country and not the Aryas.

In my constituency, the effluents of the ABC Paper Mill, Selakhand, district Shahpur, Punjab have polluted the water of hand-pumps and wells of Balaun, Chetan, Kangrand, Govindpur, Phagwara, Nawan Shahr and Banga. I approached the Government on 28th but no action was taken. The hon. Minister, when contacted, said that he will talk to the Government of Punjab to check this pollution. On the plea of environment pollution, the forest ranger and the department of forests acquired all the cultivable land of the scheduled castes and scheduled tribes people in order to save jungles from pollution. They used to cultivate this land since 1974. I raised much hue and cry for that but of no avail.

I had been to Kerala sometime ago. The scheduled tribe people living in jungles are not rehabilitated by the Dept. of Forests on the plea of environment of what use in the Forest Dept. when the people are not given an inch of land in lieu. The Forest Dept. has not given the compensation of the cultivable land taken from the people of Punjab. I request the hon. Minister to make a provision that it should not be binding on the scheduled castes to give away their cultivable land doled out to them by the Government to the Forest Dept. for acquisition under the 1986 Act.

With this, I thank you and conclude.

SHRI HARADHAN ROY (Asansole) : Mr. Chairman, Sir, I support this Bill.

MR. CHAIRMAN : Please conclude in five minutes.

SHRI HARADHAN ROY : All right. It demands a cautious approach. Subsequently, a full-fledged Bill should be brought forth. I would not like to reiterate what many hon. Members said. We talk more of mines. Nobody cares for it in the environment law. This law is not enforced in places where there are mines. That is why these mines came in resulting in loss of life and property. Hence, a provision should be made in it to look into environmental hazards. Separate provision should be made for the compensation money for loss of life and property due to environmental hazards.

The effluents and chemicals of all the industries of Bihar and Bengal flow down into Damodar river rendering its water unsafe for drinking and threatening the life of people. Therefore Damodar Action Plan should be formulated on the lines of Ganga Action Plan to make Damodar Water Pollution free and the letter in

implemented in toto. I agree with what Shri Jaswant Singh ji said. Pollution is caused by industries when they process the raw material for production. But if industries are closed down in the name of pollution, the workers will starve. The law should award stringent punishment to such polluting industries but they should not be closed down diverting the workers of their livelihood. This country is already facing the people of a huge army of unemployed and we shall not add to their number. Thus, we shall here to protect industries, check pollution and ensure the livelihood of the workers. Such provision should be made in the law so that rehabilitation of people living around the mines is done on time, compensation is paid to them and alternative job given and the air, water and sound pollution is also checked. With this, I conclude.

[English]

SHRI N.K. PREMCHANDRAN (Quilon) : Mr. Chairman, Sir, I rise to support the National Environment Appellate Authority Bill, 1997. When I am supporting this Bill, I would like to highlight the issues which are having a serious concern and serious discussion in our country especially regarding judicial activism. We know that the Environment Protection Act, 1986 has come into force from 1986. As has already been mentioned, Sub-Section 3 of Section 3 of the said Act empowers the Government to constitute an authority or to make a mechanism so as to deal with the environmental problems and issues regarding clearance of industries and all these things.

But it is quite unfortunate to note that one decade has passed after this enactment and this piece of legislation has come to this august House after the lapse of eleven years. That is the reason why during that period a series of judgements were passed from the High Courts as well as from the Supreme Court regarding the tanning industry, aquaculture and several other aspects. The Supreme Court of India has given so many directions so as to protect the environment that a mechanism is highly necessary and a Green Bench is required so as to protect the environment. The Government was directed to constitute an Authority, whatever be its might.

So, I would like to say that judicial activism means that we should commit and accept on facts. During the last decade or so, we have not been able to form or constitute such a mechanism as to resolve the problems concerning the environmental matters. That is why, this piece of legislation can also be said as a compulsion due to the direction from the Supreme Court or the High Court, as the case may be. I would like to submit that we should act in accordance with law and in time also. With this submission, I welcome this Bill.

The main point which I would like to highlight is that there is a finality of the proceedings in this case. Section 11(4) says that it would be completed within a particular stipulated period. If anybody who has been aggrieved by the starting of an industry, a process or an operation should make a complaint to the appropriate authority within 30 days and the proceedings should be completed within 90 days. So, a stipulated time has been enunciated in this piece of legislation. Moreover, the person who starts an enterprise or an industry will also be getting an opportunity to know that an objection has come regarding the industry or the concern which he may start. Since it is an effective mechanism for the speedy and effective disposal of the cases and time is also being saved, I would support this Bill.

Regarding the environment, I would say that I am not against environment. We are all supporting it. Our nature has gifted all these things and we should protect them. The ecological balance, the nature of this country should be controlled and protected, but it should not be done in the way that would adversely affect the interest of the people in the society. What is happening in our country is that, now, almost all the developmental activities in the country are facing threats from the environmentalists. So many rulings have come from the hon. judges of the High Courts and the Supreme Court. I am not going through the details since there is a constraint of time.

Firstly, I would point out about the coastal zone management which has already been mentioned. The most affected State is Kerala. The second one is aquaculture. What is going on? Everybody knows that crores of rupees have been spent and no multinational company is there. I apprehend that this environment is being taken as a weapon to control the economic development, the industrial development as well as the agricultural development of our country. This is being used as a weapon by some other agencies and some black sheep are behind this. There is no multinational company in the aquaculture sector. But it is being said and directed that by 31st of March, it should be dismantled. Who will pay the compensation? When a verdict from the court comes, the human needs and demands should also be taken into consideration.

This is the Government which has encouraged to start the aquaculture sector. The Government has instigated and encouraged to start this aquaculture. More than 168 industries in Delhi and tanneries in Tamil Nadu are being affected. What are the net evil consequences? How could the consequences be resolved? I would take this opportunity to say that we should develop our research and development sector. We should make innovations to curtail pollution. I would like to cite an example. There is a Central Leather

Research Institute located at Chennai. We have visited this Institute as members of the Committee on Science and Technology. They are trying to make a mechanism to resolve this problem. So, I would say that when we are speaking for the environment, there should be a balance between environment and development. That balance can lead to a sustainable development. This environment should be protected this way. This has to be done. With these words, I support this Bill.

SHRI MANABENDRA SHAH (Tehri-Garhwal) : Mr. Chairman, Sir, to cut the matter short, I would say that I am surprised - I can expect the bureaucrats not to care for the people - But not the Minister who is representing the people. He has not cared to see the interests of the people, be it Environment Protection Act, Forest Conservation Act or this Bill. None of them have a provision in the interest of the people. I cannot analyse them because you will start ringing the bell.

Sir, one of the basic needs of the people all over India is forest, whether they be in Cape Comorin or in Gangotri, because all of them require wood. Therefore, I will cite the hill districts of Tehri-Garhwal and Uttarkashi in Uttar Pradesh which are saturated with forests as an example. There the impact of the Act and the Bill will be felt very much and in such areas. At present, we are depending on forests for fodder, livelihood, for grazing the cattle, for cooking in the kitchen, for funeral pyre, for constructing houses and so on. We are entirely dependent on forests and that is why, we were given trees at concessional rates. We are entirely dependent on forests and that is why, we were given trees at concessional rates. We are entirely dependent on forests and that is why, we were given free grants. All these things have been adversely affected now. So, I would like to put a question to the Government, the bureaucrats and the Judiciary. Do they want the people who are surviving on forests to live without cooking their food because they cannot burn the wood in their *chulhas*? Do they want their cattle to die because they cannot get fodder from the forests? Do they want the people to give up ploughing because they will not be able to make ploughs? Do they want them to stay without houses? What do they want? Why do they not take interest about the needs of the people? Neither the Act, nor the Bill nor the Government, nor the Ministers have cared to see whether the Acts and Bills are protecting the interests of the people or not.

Therefore, I do not only oppose the Bill, but I am also opposed to the two Acts. If the Government have any compassion in their heart they should reconsider these two Acts and the Bill. They should bring a comprehensive Bill and a Select Committee of Parliament should discuss that Bill, because we

[Shri Manabendra Shah]

represent the people and we have more concern for the interests of the people than the bureaucrats or the Ministers who are just becoming rubber stamps.

Therefore, I strongly request that this Bill be withdrawn and reconsidered. I also request that a Select Committee be constituted to reconsider all the aspects so that the interests of the people are fully met.

SHRI RAMESH CHENNITHALA (Kottayam) : Mr. Chairman, Sir, at the outset I welcome this piece of legislation. But I have two points to make.

The first one, I do not understand the logic behind the Ordinance. An ordinance is promulgated only in an extra-ordinary circumstance. At present, there is no extra-ordinary situation here.

The second, by-passing the Standing Committee of Parliament is not a good practice. This will not help us in future also. So, I request the Government to stop this practice of by-passing the Standing Committee of Parliament, which is an effective mechanism for scrutinising the Bills and the Demands for Grants.

Sir, environmental protection is a very serious matter. Now, an awareness is being created all over the world towards environmental protection. Our Capital city of Delhi is choking due to pollution. It is not only Delhi is choking, but all other metropolitan cities are also choking. Growth in industrial activity with scant attention towards the environmental safeguards and high volume of motorised traffic have created a grave pollution problem in our cities. How can we check this pollution? There should be some effective mechanism to check pollution. Of course, there are Pollution Control Boards in the States and there are various other Acts in our country which are passed by this Parliament. But we can see in our practical life that they are not at all effective and pollution is increasing in various forms.

As my learned friend has mentioned here during his speech on the Statutory Resolution, there are different kinds of pollution. How can we check this problem? This is very serious matter and this causes fatal diseases to the mankind. The people around factories and public sector undertakings are raising this issue of pollution and they are very serious about it. Even though there are provisions for treatment plants in the factories near the rivers and other places, they are not at all effective and the people are not getting the benefits out of these treatment plants. So, a serious thought should be given towards this aspect. Definitely, this will help our people to contain pollution.

My friend, Shri Premchandran, has rightly mentioned that there are certain hydroelectric projects from Kerala

which are pending for getting clearance from the Ministry of Environment and Forests. Of course, we are all aware of the need for environmental protection. But we cannot use the cause of environmental protection to defeat the developmental activities.

Sir, the Silent Valley Project was deferred because it was a thick forest. Karappara-Kuriyarkutty is another hydroelectric project that is pending for clearance. In Kerala State, we are starving for power. We have power cuts for hours and hours together. The hydroelectric power is the only power which is available at a cheaper rate. For the Karappara-Kuriyarkutty Project, environmental clearance was not given by the Central Government. Pooyamkutty is another project which is also pending for clearance from the Environment Ministry.

My whole point is that we are all concerned about environmental protection, but we cannot use this as a weapon to defeat the developmental activities in a State. There are inordinate delays in giving clearances. We will fulfil the guidelines and reply to the queries of the Central Government for getting the environmental clearance. But there are inordinate delays in getting the clearances.

I want to make three or four points. Now, I am coming to the Bill. In the Bill, it is said :

"The Head Office of the Authority will be located in Delhi."

As you know, the environmental cases come from different parts of our country, and it will be a difficult task for the litigants to come to Delhi to seek redressal of their grievances. So, my proposal is that we have to set up three branches and, in the least, one branch in the South and one branch in the West and necessary amendments for this should be made by the hon. Minister.

MR. CHAIRMAN : Shri Chennithala, we have to conclude by .

SHRI RAMESH CHENNITHALA : Clause 11(2) defines the categories of persons who can file an appeal before the Authority. Clause 11 (2) (c) says :

"any association of persons (whether incorporated or not) likely to be affected by such order and functioning in the field of environment."

There is a lack of clarity in this. How can an association be affected by an order? In fact, it would be enough if you say 'any association functioning in the field of environment.' That kind of clarity should be there. Otherwise, there is lack of clarity when you say 'any association of persons'. Clause 11 (3) gives an

impression that the Authority will hear only the appellant before passing the order. Since the proceedings will be judicial, the Authority will have to hear both sides and then decide on the issue. Otherwise, justice is denied. So, in order to do natural justice, both parties should be heard. My fourth point is that it is not clear whether any appeal to the Supreme Court against the Authority is allowed. It has to be made clear especially because there is a stringent penal provision in the Bill, that is, seven years of imprisonment or a fine of one lakh rupees. Since it is a stringent penalty, it has to be made clear. So, my appeal to the hon. Minister is that this Bill needs more consideration and thought.

MR. CHAIRMAN : Please conclude now.

SHRI RAMESH CHENNITHALA : I am concluding now. We need a comprehensive Environmental Protection Bill so that all these views can be accommodated in that. Thank you very much.

[English]

MR. CHAIRMAN : Shri Rajiv Pratap Rudy is the last speaker.

[Translation]

SHRI RAJIV PRATAP RUDY (Chhapra) : Sir, giving so little time on such an important issue on which all the Members want to speak...(Interruptions) I would like to touch it briefly...(Interruptions) When the Environment Act was enforced in this country in 1986...(Interruptions)

[English]

SHRI MADHUKAR SARPOTDAR (Mumbai North West) : Sir, I have given my name.

[Translation]

SHRI RAJIV PRATAP RUDY : This should have been brought forward in the form of a Bill before promulgating this ordinance. The Government tried to enforce it forth with...(Interruptions)

MR. CHAIRMAN : Keep your cool. The Members of your party are speaking. Let them speak.

(Interruptions)

[English]

One member of your Party has already spoken.

SHRI MADHUKAR SARPOTDAR : Only one person has spoken. Who else has spoken? I have also given my name.

MR. CHAIRMAN : Please keep quiet because the hon. Member is speaking.

(Interruptions)

SHRI MADHUKAR SARPOTDAR : It is an important Bill and I have already given my name.

MR. CHAIRMAN : Shri Rudy is on his legs. Please keep quiet.

[Translation]

SHRI RAJIV PRATAP RUDY : Sir, in view of the time constraint, it is not possible to elaborate on it. But I wanted to highlight the basis sense of the Bill...(Interruptions). The Government has brought this Bill - the House today. The Environment Act is in force since 1986 and this Bill can be viewed from two points.

There is ever rising public awareness India today towards environment. People knock at the doors of the Supreme Court to seek redress of the Government decision affecting them. The purpose of curtailing the activities of the Supreme Court through this Bill, I am saying so because the Government might try to introduce a Bill of its own volition and for working against environment so that its actions are ratified.

A scrutiny of the constitution of the tribunal, the appellate authority will reveal that an endeavour. Though this Bill, is being made to select such people as its Chairperson, Vice-Chairperson and the three members who are devoid of the basic bits and knowledge of environment.

This Government brought this Bill in haste because it is somehow or the other anti-environment. The Supreme Court has admitted many (PILS) Public Interest Litigations against the decision of the present Government. This anti-environment fate brought the ordinance in a haste and then brought it in the shape of a Bill in order to create a mid-arrangement so as to achieve its purpose. This Bill is aimed at curtailing the Supreme Court and dilute its dedication towards environment. In view of the arbitrary composition of the tribunal provided for in the Bill, it should be referred to the Select Committee for detailed deliberation.

Environment is a subject that demands therefore discussion in the House which is not possible now. Thus, it should be referred to the Select Committee and both its provision - favouring and opposing—examined before it is passed...(Interruptions)

MR. CHAIRMAN : Did the House decide on it in your presence?

(Interruptions)

SHRI GIRDHARI LAL BHARGAVA : He is in search of an opportunity to speak since 11 a.m.

(Interruptions)

MR. CHAIRMAN : Joshi ji, you speak on every subject and every Bill. You may speak later.

(Interruptions)

VAIDYA DAYAL JOSHI (Kota) : I have not spoken any subject...*(Interruptions)*

MR. CHAIRMAN : This is an issue related to environment, not Rajasthan.

*(Interruptions)*

MR. CHAIRMAN : You were present, when it was decided, you had agreed to it then.

*[English]*

At four of the Clock, the House agreed to extend the time for half an hour. It was also agreed that the discussion would be completed by 4.30 p.m. and the Minister would start his reply at 4.30 p.m. So, we will have to conclude it by five of the Clock. We cannot continue it for an indefinite period...*(Interruptions)*

*[Translation]*

SHRI MADHUKAR SARPOTDAR : Only one member from our party has spoken...*(Interruptions)*

MR. CHAIRMAN : No, Madhukarji, please listen.

*(Interruptions)*

*[English]*

SHRI MADHUKAR SARPOTDAR : Is it not an important Bill? Why are you putting restrictions on the Members to speak on this Bill?...*(Interruptions)*

MR. CHAIRMAN : Listen, please. The Business Advisory Committee decided to allot one hour. Then, the House decided to extend the time by one hour. Again, it was extended by half an hour. How long will you prolong with this?

*[Translation]*

SHRI GIRDHARI LAL BHARGAVA : The House is extending the time.

MR. CHAIRMAN : You have taken three hours discussing it. How long will you take more? This will not do.

*[English]*

Shri Naik had requested to extend the time of the House by one hour.

*[Translation]*

SHRI GIRDHARI LAL BHARGAVA : Those who have given their names should be allowed to speak.

MR. CHAIRMAN : How is that possible. Please sit down.

VAIDYA DAU DAYAL JOSHI : I should be allowed to speak. I have not spoken on any Bill.

MR. CHAIRMAN : Your name appears in it at No. 6 in the list provided by Shri Ram Naik.

SHRI GIRDHARI LAL BHARGAVA : I will make my point in two minutes.

MR. CHAIRMAN : I can't accomodate everybody.  
*[English]*

SHRI RAM NAIK : I suggest a small amendment. You can give a chance to one Member each from the BJP, the Shiv Sena and the Congress to speak for three minutes each.

SHRI MADHUKAR SARPOTDAR : Only one Member has spoken from our Party so far...*(Interruptions)*

MR. CHAIRMAN : We cannot agree to it.

Mr. Minister may speak now.

*(Interruptions)*

SHRI SRIKANTA JENA : One hour was earmarked for this item. We have already crossed two and a half hours. If the Minister now starts speaking, he will complete it in another fifteen to twenty minutes. The whole problem is that the General Discussion on Budget has not yet been taken up. That is why, I was suggesting that we could start the discussion by 5 o'clock.

*[Translation]*

SHRI GIRDHARI LAL BHARGAVA : You are talking like that because you are in power.

SHRI SRIKANTA JENA : We had earmarked are hours time for this Bill and we have taken two and a half hours. Other term of business are pending. How can we cope with them.

MR. CHAIRMAN : How more time can we extend.

SHRI ANANT GANGARAM GEETE : Since 2 o'clock we are in the House but we have not been given a chance to speak...*(Interruptions)* It is your responsibility to maintain chorum in the House, but we sit there from 11 o'clock to 6 o'clock and thus help you in carrying out your responsibility but even then we are not given a chance to speak.

*[English]*

SHRI SONTOSH MOHAN DEV (Silchar) : I suggest that you give a chance to one Member each from the BJP, the Shiv Sena and the Congress.

MR. CHAIRMAN : Is it the sense of the House to extend the time on this item by fifteen minutes?

SOME HON. MEMBERS : Yes.

MR. CHAIRMAN : Vaidya Dau Dayal Joshi to speak.

[Translation]

VAIDYA DAU DAYAL JOSHI : The work which was supposed to be done by the Lok Sabha is being done by the Courts through Public interest litigations. The Law which we were supposed to pass *sho-motu* in the House, has been passed by the courts. In the absence of such a law it was not possible to take effective measures to check pollution in Delhi. The Bill presented by the Minister is incomplete. Had it been a comprehensive one then one could have expected some relief through it. You have discussed over a bill in the House. Going through the environmental and pollution situations one can feel that it is very critical. In Rajasthan, Chambal river has got polluted to a large extent. Despite our repeated requests your department has not done anything towards controlling the pollution in the river. I therefore, request the hon. Minister to do something needful in this regard.

The Delhi High Court has ordered to remove the abattoir and sale counters from Delhi. This order has been implemented in the case of sale counters but the abattoir has not been removed. Merely passing a law is not sufficient enough. Shri Sunderlal Patwaji has come to House after defeating Kamal Nath. Shri Kamal Nath got a hotel constructed by changing the course of a river in Himachal. The Government did not take any action in their matter but the Supreme Court gave its verdict and the permission to construct the motel was withdrawn subsequently. You may make a number of laws but so long such leader would continue to get political protection one cannot get a respite. If you do not make sincere efforts to effectively check pollution and maintain environmental balance, one cannot expect the nation to make progress. I therefore, oppose, the bill brought by you.

SHRI ANANT GANGARAM GEETE : Mr. Chairman, Sir, whole opposing the promulgation of the ordinance by the President, I do support the spirit of the Bill presented in the House. The verdict given by the Supreme Court on the public interest litigation has caused quite a stir amongst the people.

I come from Konkan area, which is a part of the 720 km. long coastal belt of Maharashtra about which a mention was made before I spoke Mr. Chairman, Sir, a number of villages and colonies falling under this areas are affected with the coastal regulation zone. The people living with in an area of 500 meters from the sea line or 200 meters from the blackish water have a fear that their houses would be demolished and to they would

have to leave their present sites. That is why, I am making a mention about it.

I come from Konkan region. Konkan enjoys the maximum rains in Maharashtra. But two months after the rainy season is over if you go there, you will find that the people there are longing for a drop of water. The proposed water schemes are lying pending with the Ministry of Environment and people are craving for water. The developmental work should not suffer on account of Environment. In number of cases in which the Supreme Court has given its decision about aquaculture farming people are suffering, especially in Konkan and Vidarbha region. As a result of that most of the people who were engaged in prawn-farming, have been rendered unemployed. They are dying out of hunger. Therefore, the Minister is required to give a statement in this regard. There is no doubt that the maintaining of environmental balance is quite important. But the development works should not be stopped in the name of environment...*(Interruptions)* people should not die out of hunger. They should not be deprived of their employment. At least two lakh people are engaged in prawns farming. there are hills on one side and sea on the other in the Konkan region. Many proposals of State Government in this regard are lying in the Ministry of Environment. The Authority which you intend to set up, is likely to receive many representations as the people have developed a fear, that whom should they go for the redressal of their problem. The life of the fishermen totally depend on the sea and they cannot live away from the sea coast. Fishing is then only business, for which they will have to live on the coast. This bill has created a fear in their mind. The State Government is issuing notices after the decision of the Supreme Court. Therefore, it is very essential to present this problem before the House through you. I hope, the Minister will give his reply in this regard.

With these words, I conclude.

[English]

SHRI ANADI CHARAN SAHU (Cuttack) : Mr. Chairman Sir, too much of religion kills God; too much of law kills peace of mind and body and thereby enslaves a person to bureaucracy and expertocracy. This is what is going to happen in this Bill also.

This is a badly drafted and motivated Bill. So far as the badly drafted part is concerned, my friends have already spoken and I would not go into those details. But, kindly see Clause 15 where it says that it would not go to a civil court or any authority. It does not preclude the authority of the High Court. This appellate authority,

[Shri Anandi Charan Sahu]

after it gives its verdict, will be subject to the High Court and then to the Supreme Court. There are lots of laws on environment. We will defeat the purpose of environment by enacting lots of laws. There are also some other laws which are on the anvil. I would not go into the details.

Very recently we have passed the rules regarding two emergency provisions and very cleverly the Secretary of the Environment Ministry has been made the Chairperson of the Crisis Group. The Crisis Group will have powers as per Section 10 of the Environment (Protection) Act, 1986. If he has the powers enjoined in Section 10, he would be able to inspect, search, seize and can do so many other things. I do not have the time, otherwise I would have given the details of all these things. This is a sinister design.

According to this Act itself which will come into force, a person who is not a geophysicist, who is not a geologist, or geo-chemist who does not have any knowledge about eco-friendliness will become the Chairman of this body. This is very bad. We should not enact this Bill without the Standing Committee going into this for a very thorough reading of its provisions, as my friends have said. You are not giving me time; otherwise I would have gone into the details of the enactments which have come by now.

You will kindly see that in answer to an Unstarred Question, the Government has indicated that different laws have been enacted and the different rules and laws which have come into force. The first thing is, we have the rules on Emergency Planning Preparedness and Response for Criminal Accident, 1986 which has been placed on the Table of House after six months. This should not have been done. That requires through amendments because that will create lots of problems for any industry, small or medium - I am not talking of bigger ones. Yes, we should protect the environment, but not in a manner by which we put lots of checks and balances in which a man would not survive. We have imported faiths, behaviours and ideas from outside. This is not in consonance with the cultural ethos of this country and the way we behave and we work. This has to be taken into account by enacting certain laws. It would not be profitable for us and it would create many difficulties for us.

Then there are other Acts also. We have eco-mark standards fixed by the Bureau of Indian Standards. Why not involve the Bureau of Indian Standards in this Act also? I would not go into details of the eco-mark. Then we have the National Environment Tribunal Act, 1985

relating to damages involving hazardous substances etc. All these provisions of the Present Bill can be kept in this Act. I would not go into further. This Bill should not be passed. I do not support it.

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Chairman, Sir, I thank you for providing me an opportunity to speak. I would like to submit that had the Environment preservation bill, passed in 1986 been implemented in its right earnest then there would have been no need of introducing this bill. This is the general practice that whatever laws are made, are not implemented properly and when it causes a lot of harm then we wake up to make rules. For instance, I take Ganga Action plan which is meant to control pollution but so far no progress report has been submitted in this House in this regard.

You have taken foreign loan to finance this plan but it lacks monitoring, due to which all money is wasted. You make a law to check corruption, if it proves in effective you make another rule. We are not here to make rules only, we must get the utilization report as well as the report about the expenses incurred and the success achieved. The House should know that how far we have been succeeded in checking the pollution. The Government must submit all these things in order to show its right intentions in this regard.

[English]

THE MINISTER OF ENVIRONMENT AND FORESTS (PROF. SAIFUDDIN SOZ) : Mr. Chairman, Sir, first of all, I must thank hon. Members for their intense motivation for participation in the debate. Even though most of the suggestions that they made were not directly concerned with this Bill, I have taken notes on those suggestions and it would be possible over a period of time to revert to individual Members.

Here and now, I must make my position clear. There was some misunderstanding. We have made our position clear. We have come before this august House with this National Environment Appellate Authority in response to the provisions of the Environment Protection Act itself. Clause 5, sub-section 2, Section 3 of the Environment Protection Act, 1986 empowers the Central Government to impose restrictions of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards.

Now, alongside that, we have also mentioned in the objects that the hon. Supreme Court had, in certain Public Interest Litigations, taken some decisions. We have taken note of those decisions also. There were some misunderstandings within ourselves. Shri Sriballav

Panigrahi raised a point. He is not here but he transferred his confusion to me. There is no confusion on my part. As far as this Appellate Authority Bill is concerned, it is not here because there was an independent judgement of the hon. Supreme Court. Of course, there were many judgements on PILs. The hon. Court wanted an authority to be constituted in respect of tanneries and so many other things. Those decisions have been implemented. The Authority has been constituted.

16.59 hrs.

[SHRI P.M. SAYEED *in the Chair*]

Here, we have come in pursuance of the provisions of the Environment Protection Act was a principle of precaution...*(Interruptions)*

SHRI P.R. DASMUNSI (Howrah) : Shri Panigrahi was not wrong. He has only said what you have said in the statement :

'In view of recent pronouncements by the Supreme Court in certain public interest litigation cases involving environment issues, it was considered necessary to take immediate steps to set up an independent body for quick redressal of public grievances.

17.00 hrs.

Consequently an Ordinance was promulgated. What is wrong? He did not say anything wrong.

PROF. SAIFUDDIN SOZ : Mr. Chairman, I am only taking the position that this Bill has not come to the House because Supreme Court had wanted the Ministry of Environment to come with this Bill...*(Interruptions)*

MR. CHAIRMAN : Let him complete.

PROF. SAIFUDDIN SOZ : We only say this 'pursuant to the Environment Act and also having Supreme Court decisions in view'. It is the highest Court of the land. So, that is the background why we came here. In the Environment Act itself, there is a principle of precaution. I invite your attention to Chapter II, Section 3, Sub-section 2 (v), where it is stated,

"Restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards".

So, I call this Bill as a social legislation of very great historical importance. This is in pursuance to this precaution. We have taken precaution and we are propounding a law which will give great relief to the people.

Some hon. Members, including Shri Nitish Kumar, have raised a question as to why this Ordinance is needed, this has happened in the past and this might happen in the future also. This is because there was an urgency. The Ministry became conscious that certain authority should be there because people should have the possibility of preferring an appeal very quickly. You know, the courts take quite a long time. Some hon. Members were concerned as to why the PILs are decided so early and why not the other cases. That is a different question and I am not going into that.

But here the Ministry thought that it was urgent. I will tell you the chronology of events. The Committee of Secretaries discussed this whole question. Then, on 15th January, the Cabinet approved this. On 24th January, the Cabinet approved the constitution of National Environment Appellate Authority through promulgation of an ordinance and on 30th January, an Ordinance was promulgated. I came to this House and introduced this Bill. The Ordinance was laid on the Table of the House on 21st February, 1997 and on 4th March, The National Environment Appellate Authority Bill was introduced in the Lok Sabha. So, what I am saying is that there was an urgency of promulgating an Ordinance. Therefore, I have to come before this august House to pilot this Bill...*(Interruptions)*

It is not possible to yield. I heard you with rapt attention. Now, I must answer your queries.

MR. CHAIRMAN : If you want to have any clarification, you can seek it later. If the hon. Minister is not yielding, you cannot force him.

PROF. SAIFUDDIN SOZ : I must quickly go through certain provisions of the Bill which are very important because Shri Nitish Kumar, Shri Girdhari Lal Bhargava and Shri Ram Naik have raised many issues pertaining to the structure of the Bill. Questions were asked as to who can go in for an appeal. Any person who is likely to be affected by the grant of environmental clearance can go in for an appeal. This is so vast and varied that it would certainly bring relief to the people. And any person who owns or have control over the project with respect to which an application has been submitted for environmental clearance and any association of persons whether incorporated or not but likely to be affected by such orders and functioning in the field of environment, the Central Government, the State Governments and the local bodies can also go in for appeal. I am not reading this out because I must save time. The powers of the Authority are very important. First of all, let us see the procedure. We have said that the Authority will not be bound by the procedures laid down in the Code of Civil Procedure, 1908 but shall be guided by the principle of natural justice.

[Prof. Saifuddin Soz]

It will also mean that this Appellate Authority can change venue, go to people and respond to their urges any time and in any manner it likes. It has a lot of freedom and this Appellate Authority can enjoy this freedom only for taking due care of the needs and urges of the people.

SHRI P.R. DASMUNSI : You may read Section 12 (2) of the Bill.

PROF. SAIFUDDIN SOZ : I will come to that also. When we come to the powers of the Authority, Section 12 (2) of the Bill says:

- “(a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on affidavits;
- (d) subject to the provisions of Sections 123 and 124 of the Indian Evidence Act, 1872 requisitioning any public record or document or copy of such record or document from any office;
- (e) issuing commissions for the examination of witnesses or documents;
- (f) reviewing its decisions;
- (g) dismissing a representation for default or deciding it, *ex parte*;
- (h) setting aside any order of dismissal of any representation for default or any order passed by it *ex parte*; and
- (i) any other matter which is required to be, or may be, prescribed by the Central Government.”

So, these powers and this procedure give this Appellate Authority a status.

SHRI P.R. DASMUNSI : Mr. Minister, in Section 12 (1) you say that the Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 and in Section 12 (2) you say that the Authority shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908.

PROF. SAIFUDDIN SOZ : There is no contradiction between 12 (1) and 12 (2). I would say that this Appellate Authority will be an independent Authority taking decisions. But there will be no appeals as such either in the High Court or in the Supreme Court and the original jurisdiction of a writ will lie with the High Court and will lie with the Supreme Court. This is necessary because a retired Judge of a Supreme Court or a retired Chief Justice of a High Court will have a position. It is a Body which must decide; it must understand the problems of the people and then decide it.

SHRI P.R. DASMUNSI : Why do you not have a regular Judge?

PROF. SAIFUDDIN SOZ : So, the appeal will not lie with the High Court or with the Supreme Court.

SHRI P.R. DASMUNSI : Why do you not have a regular Judge for this purpose?

PROF. SAIFUDDIN SOZ : That is a separate question.

SHRI P.R. DASMUNSI : It is not a separate issue.

PROF. SAIFUDDIN SOZ : I will tell you.

SHRI P.R. DASMUNSI : Why do you want to have a retired Secretary and a retired Judge?

PROF. SAIFUDDIN SOZ : I would respond to that later. Hon. Members have made many suggestions and certainly my friend Shri Dasmunsi deserves my response to that question later. But I would say that there is no contradiction between 12 (1) and 12 (2).

Here, the hon. Members have expressed their concerns about the problems within the purview of environment. They wanted to bring in issues that pertain to the realm of water pollution, air pollution, etc.

Then there was also a concern expressed about the Ganga Action Plan-I. I wish I have time. From the very first day of my taking over, I started studying about the Ganga Action Plan-I. There are so many difficulties. I will take this august House into confidence about the Ganga Action Plan-I because that is a very prestigious national project that deserves the topmost priority in the scheme of things in the Ministry of Environment.

But I will come to those issues separately; I did not feel worried why these issues were referred here. It is a limited question where this Bill wants to institute an Environment Appellate Authority. Therefore, Ganga Action Plans I and II and the questions about pollution, etc., stand outside the purview of this Bill.

While the hon. Members have expressed their ideas, I have taken due care to record or jot down the points. I will try my best to get back to those Members to take up those issues separately with them.

A major question was taken up during this debate.

Some people have expressed very deep concern for environment and some people say that this deep concern for environment simultaneously means that people do not care for development. So, I have taken the middle course and I think, after I have finished my reply, this august House will agree with me that we must be in the middle course because the cause is important; development is important as we are a developing country. The West has gone ahead and now they are doling out advice to us. I want to share my feeling with this august House that I feel proud on our

concern for environment. We cannot compare our position with any other country of the world. This is not bragging. The concern for environment is the cornerstone of our ethos and culture.

I was very sad on a day when I was looking into the Ganga Project, and fortunately, I received a poem from a retired IAS officer who incidentally happens to be a Muslim. He had written a poem on Ganga. He has said that centuries ago, we showed light to the world and we gave a message of harmony and peace and now, we are here polluting a river which is so sacred not only to Hindus but also to all sections of society in India. I have read that poem and when there will be a discussion on Ganga, I will come to this august House and share that poem with you and place it on record.

Here I say that West might give us an advice but we must care and understand our position. We must not try to say that our institutions are weak. I can say with some confidence in this House that we have a most comprehensive law on environment. Various authorities have been instituted on water pollution and air pollution. I cannot say that we have succeeded in everything. But I can say with some confidence that we shall certainly implement the laws that are available, of course, with the support of all Members and political parties here. But on development, my stand is this. We shall have development, of course, without spoiling environment. We shall take care of environment without relegating the concerns of development to the background. So, I stand in the middle and I hope that we shall have development in this country. The Ministry will take care of it.

I welcome all the suggestions given by the hon. Members. We shall have development without impairing the concerns of environment. Why I said about West here is because so much advice has been doled out to India and if I have a chance to participate in conferences, I can tell them that they have quite a lot to learn from here. This is a digression because you brought the Ganga Plan into picture. I am telling you that the Wild Life Board met after nine years, only three or four days back. There was a meeting of the Tiger Forum in which there were some foreigners also. I told them that if they have concern for tigers, then they should take care of the 16 shops in New York alone where they sell tiger bones and other materials and that they have created a great market in Europe and America for tiger bones and other commodities. Yet, they come here and give us advice that tigers should be protected. We are doing everything possible to protect the tigers but their advice is tainted. This much I had told them...*(Interruptions)* Many apprehensions were expressed here by an hon. Member about the composition of the Authority. He was not in agreement with the composition of the Authority as such. I can

assure him that a lot of thinking has been done about the composition of this Authority. Good, qualified and competent people will be selected for this Authority...*(Interruptions)*

MR. CHAIRMAN : Mr. Minister, if you directly start replying to him, then you will be in trouble.

PROF. SAIFUDDIN SOZ : Sarvashri P.R. Dasmuni and Srivaballav Panigrahi have made specific suggestions and said: "Why should only retired Judges and retired civil servants be there?" Here and now, I cannot respond and say, "I agree with them." It is difficult. I will request them to pass this Bill. But in due course of time, it must be examined. If they have any definite suggestions, I will sit with them. They will enlighten me for future. But as far as this Bill is concerned, I will commend it. I will request you to pass it as presented.

The other thing I wanted to say is that this Bill has a lot of transparency. Anybody can go. The appellate authority can itself respond to people's needs, requirements and their problems. So, the transparency is the hallmark of this Bill.

Now, I will cover briefly the points raised by Shri Girdhari Lal Bhargava because he was the mover of that Resolution. He has talked of forest in Agra, about the Ganga, and the situation in Jaipur. I have noted your observations. You have brought in the Taj also. The only thing to which I will respond pointedly is about the penalty. The penalty is not seven years. It can be anything ranging from six months to seven years. It can be penalty or fine or it can be fine alone. So, I think, he should not worry on the question of penalty. If someone violates the law, he or she will have to suffer the punishment. But seven years is the maximum limit.

Shri Ram Naik had raised so many things about the coastal situation in Bombay. I only respond by saying that aquaculture is different. Aquaculture authority is different. That will come up some day. Aquaculture is basically a subject related to agriculture. It does not belong to my Ministry. About the environment aspect, it is all right. But that is a different situation. He has invited me to Bombay. I will certainly go to Bombay and visit the coast. I will go with him and other Members of Parliament from there.

I have explained the point raised by Shri Srivallav Panigrahi. There was no confusion. The Supreme Court's judgements are there. We have said that has also been a guiding principle. We have come before you pursuant to the provisions of the Environment Act. That authority - the Supreme Court wanted us to constitute it. It has already been constituted.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : You have set the records straight.

PROF. SAIFUDDIN SOZ : I think, Shri Nitish Kumar had said about powers and so many procedures. I have explained it.

Finally, I have recorded the suggestions given by the hon. Members. I can only say that I will apply my mind and revert to these Members about the issues they have raised. But here and now, I appeal to this august House to join me in getting the Bill passed.

SHRI P.R. DASMUNSI : Sir, in order to help the Government, I appeal to him to make this Bill more comprehensive. We can go into more details of pollution. It will be in the best interest of the country and that of the ecological environment. It must go to the Select Committee for an objective consideration by the hon. Members. Let us not be sensitive about such things. Let us not go ahead in such a hurry. The Government will find enough time to apply its mind. We shall also find time. This is not the way. Many things are there which should be brought to our notice. He can invite more experts on this matter. They can explain about their experience. It will be better. He can give time-bound directions to the Select Committee that by such-and-such time, it should give its report. So, it can go to the Select Committee. Then, it can come to the House again.

[Translation]

SHRI RAM NAIK : Mr. Chairman, Sir, I have not got the answer to my question which I had asked earlier. The national fisheries form has started their agitation, moreover there is a problem being faced by the persons engaged to Dyna farming. You have set up a committee regarding deep sea fishing to deal all such problems. Likewise you should also set up a committee for C.R. zone and agriculture, we will welcome it. The hon. Minister has not said anything about it. I wish he should say a few words about it.

[English]

SHRI P.R. DASMUNSI : It is for information. I would like to say that the High Court in Calcutta gave a decision that in public places where political meetings are to be held, microphone of a particular volume shall not be used.

Microphones shall not be used for the purposes of prayer in the Mosques; microphones shall not be used for the purpose of chanting *mantras* in the temples. This has come in this way. I do not take it so lightly. I am thankful to the Chief Minister that with great difficulty he called the religious leaders and made some compromises beyond the purview of the Court. We all agreed to it and stopped this sensational thing. This is not a light thing. Therefore, please consider this aspect. Let it be examined; if not by a Select Committee then at least by a Standing Committee. Then let it come before the House. Your hands would only be strengthened. Please try to understand this.

[Translation]

VAIDYA DAU DAYAL JOSHI : Mr. Chairman, Sir, the matter raised by Shri P.R. Dasmunshi is very important, a comprehensive bill was needed. But this is very unfortunate that the Minister is least concerned about it. I also made a point about Presidents' intervention, which I feel is too much. The way Shri Kamal Nath and Shri Sukhram constructed their own hotels in Himachal, there is no provision in the law to check such malpractices. Please explain, how you are going to face such political leaders.

[English]

SHRI ANADI CHARAN SAHU : Sir, I would like to repeat this. This House had passed the Prevention of Corruption Act in the year 1988 in a hurry. When Section 19 of that Bill was being discussed, many Members raised the point that there could be difficulty of previous sanction and that the point regarding previous sanction for MPs should be discussed, but the Bill was hurried through. The then Minister said that he would look into this problem later. Now after 7-8 years we are facing the consequences. In the case of this Bill also we would face the consequences at a later date. There would be a lot of difficulties. So, my humble submission is that it should be referred to a Select Committee... (Interruptions)

SHRI SRIBALLAV PANIGRAHI : Sir, there are several points which need clarification. An Ordinance was promulgated in haste and today they are trying to get it replaced by a Bill. But all aspects of it need to be gone through more carefully. It should either be referred to a Select Committee or at least to the Standing Committee with a clear direction that it should be sent back within a week's time. I think, that could be done. In case of a Select Committee, a week's time is enough.

Secondly, I had referred to two judgements of the Apex Court, that is, the Supreme Court. I referred to the second judgement which was delivered on 11th December regarding prawn culture etc., wherein it was stated that it should be demolished by 15th of April and monitoring should be done by an authority which should be set up within one month's time. What has been the progress in that respect? The Central Government is quite silent about it. There was also a reference about the Chilka lake... (Interruptions)

MR. CHAIRMAN : You just confine to one point.

SHRI RAMESH CHENNITHALA : Sir, I raised four queries. The replies on those points are ambiguous. It needs clarity. Today there is a serious law-making effort and so tomorrow we cannot say that it was done in a hurry. The four points which I mentioned need more clarity and because we are having a very serious law-making effort, my request to the hon. Minister is that in order to have more clarity on these points, I think, this should be referred to the Select Committee or to a

Standing Committee. It could come back within a week and then this august House could pass it. This Bill has very far-reaching consequences.

MR. CHAIRMAN : Mr. Minister, would you like to respond to these points?

PROF. SAIFUDDIN SOZ : Sir, I would like to intervene to the point raised by Shri Ram Naik very briefly. Aquaculture is a big problem. The Ministry of Agriculture is taking due care of that. It is an important matter. So far as my Ministry, the Ministry of Environment and Forest is concerned, the matter is engaging our attention and I would like to request the hon. Member not to worry about it. Within a couple of days he would be able to see our response in this regard.

I would like to submit before this august House that this Bill has come before this House after a deep thinking. You all know as to how the Ordinance was promulgated. Seven to eight meetings took place. It is a comprehensive law. If you do not like any expression by way of language then such things could be taken care of. I would only plead with this august House that this Bill be passed.

[Translation]

MR. CHAIRMAN : I am calling him to give a reply Joshi ji please do not disturb him while he replies.

SHRI GIRDHARI LAL BHARGAVA : One of my colleagues, has recently become a Minister. He has said that, "We have brought it here after discussing it thoroughly and deeply in at least seven meetings and he wants to get it passed by all means today itself. I tell you that it cannot be passed in this manner and if it is not passed, rest assured heaven is not going to fall on us. I can say it with firm belief that if it is referred to a Select Committee or a Standing Committee as is desired by the hon. members present in the House. Your Government will not fall. There is not harm in referring this bill to a Select or a Standing Committee. It does not harm the Government either. It is not fair if you make it a prestige issue by saying that this bill has already been discussed seven times.

Mr. Chairman, Sir, as I told you water, air and sound pollution, and you also mentioned about the sound of Loudspeaker or a horn, I also gave one example of speed breakers, which are meant to slow down the speed of vehicles. I do not know, whether you have gone abroad or not?

[English]

PROF. SAIFUDDIN SOZ : What is your reaction?

[Translation]

SHRI GIRDHARI LAL BHARGAVA : I think you must have gone abroad. You will find that blowing a horn is an offence there.

[English]

PROF. SAIFUDDIN SOZ : Will you please yield me for a minute?

I have already explained that we have comprehensive Acts on noise pollution and air pollution. The scope of this Bill is limited within the parameters of environment only. So, I very strongly plead with you to kindly join me in requesting the august House to pass this Bill. When you talk of noise pollution, that by itself is a subject. I agree that Delhi is choking with noise and other pollution. We shall have to think about it in due course of time. You cannot get everything in this Bill. Certainly not. So, this is my appeal to you ... (Interruptions)

[Translation]

SHRI SHYAM BIHARI MISHRA (Bilhour) : Mr. Chairman Sir, what is the objection is referring this bill to select or Standing Committee. The hon. Minister should throw some light on it. The Committee would give its report within seven days.

SHRI BHAGWAN SHANKAR RAWAT : Mr. Chairman, Sir I simply want an assurance from the Ministers that he would be giving a comprehensive bill... (Interruptions)

[English]

MR. CHAIRMAN : I am not allowing anybody we have taken a lot of time.

(Interruptions)

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Mr. Chairman Sir, I have just begun to speak. I want to submit that the Minister should also include noise pollution in it. Hon. Minister, Sir, just listen to me. You are a great scholar. I highly respect you. In foreign countries it is within on the boards that don't blow horn and here... Sir, at present different types of horns are being manufactured in this country, some of them sound like weeping of a child or tune of a song. Therefore, I would like to make a submission that a comprehensive Bill should be brought for it. I request you that noise pollution should also be included in it because it is adversely affecting the society and even you are also being influenced by it as members of 13 political parties are saying different things here.

Sir, so far the intention of the Government is concerned, our Chief whip has already said that we are not betraying the hard work done by you.

Mr. Chairman, Sir, the hon. Minister is very efficient and he has worked hard for this Bill but as the other MPs have also mentioned I would like to say that it should be sent to Select Committee or the Standing Committee. Do the hon. Minister want to get it passed today itself. You can hold voting on it. Though, I support you on this issue but so far no rules have been

[Shri Girdhari Lal Bhargava]

formulated as to who will be appointed officers in it, where the office will be set up, all such issues should be debated comprehensively.

Sir the 350 mines of Jaipur City do not come under the purview of this Bill but these have been closed down. It has created problems. The Governor had issued orders to close down the Jhalana mine but at present it is functioning and other mines have been closed which used to produce stones for construction of houses and roads. You have said that retired secretaries and Judges will be included in it, Civil procedure code will be formulated and the punishment of 7 years imprisonment and fine of Rs. 1 lakh does not apply to all, I would like to say that all these issues should be reconsidered for efficient and effective implementation of this Bill.

Now, you just tell me when there is a provision for a punishment for a certain period would you be able to instruct a judge that instead of seven years he should give only 6 month's punishment. In case of a retired judge, hearing this case, he would not only award a punishment for seven years but also inflict a fine of Rs. 1 Lakh. I, therefore, request you not to make it a prestige issue and refer this Bill to Select Committee or Standing Committee. I hope all members of the House support me on this issue. Even then if you want to get it passed in the House that is your own sweet will.

[English]

SHRI N.S.V. CHITTHAN (Dindigul) : Mr. Chairman, Sir, I am on a point of order. While the hon. Member was speaking, he remarked that 13 Parties are polluting the House. That is an objectionable remark and should be expunged from the record...*(Interruptions)*

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Mr. Chairman, Sir, have I said anything objectionable. You just tell me can forty persons rule over India. This Government is not going to remain for a longer period.

[English]

MR. CHAIRMAN : Shri Girdhari Lal Bhargava, are you going to withdraw your Statutory Resolution, or are you going to press for it?

[Translation]

SHRI GIRDHARI LAL BHARGAVA : Mr. Chairman, Sir, if the hon. Minister assures me, I will withdraw it. But first ask him to give me an assurance.

[English]

MR. CHAIRMAN : Mr. Minister, are you prepared to send it to the Standing Committee?

PROF. SAIFUDDIN SOZ : No.

I am not ready to refer it to the Standing Committee. Shri Bhargava has mentioned about the problems in Jaipur. He has also mentioned about the legal problems. I have taken note of it. I will visit the place along with him understand and resolve that problem.

[Translation]

SHRI GIRDHARI LAL BHARGAVA : That is right Sir, I withdraw my resolution.

[English]

MR. CHAIRMAN : Is it the pleasure of the House that leave be granted to Shri Girdhari Lal Bhargava to withdraw the Statutory Resolution moved by him?

SEVERAL HON. MEMBERS : Yes.

*The Statutory Resolution was, by leave, withdrawn.*

MR. CHAIRMAN : The question is :

"That the Bill to provide for the establishment of a National Environment Appellate Authority to hear appeals with respect to restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards under the Environment (Protection) Act, 1986 and for matter connected therewith or incidental thereto, be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN : We shall now take up clause by clause consideration of the Bill.

*Clauses 2 to 10*

There are no amendments to clauses 2 to 10, so I shall now put them to vote.

The question is :

"That clauses 2 to 10 stand part of the Bill."

*The motion was adopted.*

*Clauses 2 to 10 were added to the Bill.*

**Clause 11**

**Appeals to Authority**

MR. CHAIRMAN : Shri Naik, are you moving your amendment?

[Translation]

SHRI RAM NAIK : Mr. Chairman, Sir, I move-

Page 3 line 36-

After the word "process" following may be inserted "which includes process relating to provisions for housing, fisheries, aquaculture or civic amenities." (1)

Sir, I propose to move this amendment. I do not intend to make a speech but I've already spoken in my speech that it is necessary to provide this for housing, fishing, aquaculture and civic amenities alongwith industry and processing house. It may be looked into.

Mr. Minister, the amendment moved by me is for seeking a clarification. So, I think you'll accept my amendment keeping this fact in your mind.

[English]

SHRI SAIFUDDIN SOZ : I would request Shri Naik to withdraw his amendment because aquaculture is an agricultural related activity.

MR. CHAIRMAN : I shall put amendment No. 1 to Clause 11 moved by Shri Ram Naik to vote.

*The amendment was put and negatived.*

MR. CHAIRMAN : The question is :

"That Clause 11 stand part of the Bill."

*The motion was adopted.*

*Clause 11 was added to the Bill.*

MR. CHAIRMAN : The question is :

"That Clauses 12 to 23 stand Part of the Bill."

*The motion was adopted.*

*Clauses 12 to 23 were added to the Bill.*

MR. CHAIRMAN : The question is :

"That Clause 1, The Enacting Formula and the Long Title Stand Part of the Bill."

*The motion was adopted.*

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

PROF. SAIFUDDIN SOZ : I beg to move :

"That the Bill be passed."

MR. CHAIRMAN : The question is :

"That the Bill be passed."

*The motion was adopted.*

[English]

MR. CHAIRMAN : Now we will have to take up discussion on general Budget.

[Translation]

SHRI RAM NAIK (Mumbai-North) : Mr. Chairman, Sir, you are not taking up the remaining three Bills and ordinances. I've no objection on that but the discussion on General Budget should be completed. It should be completed by tomorrow even if the house will have to sit late at night so that all the members may have

opportunity to speak. The debate on the General Budget should not be discontinued.

MR. CHAIRMAN : Suggestions given by you would be referred to the Business Advisory Committee.

SHRI RAM NAIK : We are leaving three Bills, therefore, my submission is that the minister should look into this.

MR. CHAIRMAN : Your suggestions would be referred to the Business Advisory Committee.

[English]

SHRI NIRMAL KANTI CHATTERJEE (Dumdum) : Sir, this Revised List of Business is the property of the House. If you skip certain items in the Revised List of Business, then it should be sanctioned by the House. So, kindly get that sanction and then we shall take up the discussion on the General Budget. This Revised List of Business has mentioned many other Bills ... (Interruptions)

THE MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF TOURISM (SHRI SRIKANTA JENA): Mr. Chairman, Sir, we will reschedule the Business for tomorrow and day after tomorrow. And today we can start the discussion on the General Budget. We will have a discussion with the Speaker and also with the Leaders of different parties and reschedule the Business accordingly and then fix up the Business for tomorrow and day after tomorrow... (Interruptions)

MR. CHAIRMAN : That is what I have suggested also.

I think, the House is now agreeing with this.

17.41 hrs.

GENERAL BUDGET 1997-98 —  
GENERAL DISCUSSION - *Contd.*  
DEMANDS FOR GRANTS ON ACCOUNT  
(GENERAL), 1997-98  
DEMANDS FOR SUPPLEMENTARY  
GRANTS - 1996-97  
AND  
DEMANDS FOR EXCESS GRANTS -  
(GENERAL) 1994-95

MR. CHAIRMAN : Now, we shall take up item nos. 20, 21, 22 and 23 together.

Motions moved :

"That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the third column of the