

LOK SABHA DEBATES

LOK SABHA

Tuesday August 5, 1997/Shravana 14, 1919 (Saka)

The Lok Sabha met at Eleven of the Clock

[MR. DEPUTY-SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

[English]

US Ships for Ship Breaking

*181. SHRI L. RAMANA : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether the Government have granted approval to two US ships for ship breaking, off the coast of Gujarat;

(b) if so, the reasons for raising objections by the Environment Ministry; and

(c) the impact of ship breaking activity on the flora and fauna of the region?

THE MINISTER OF ENVIRONMENT AND FORESTS (PROF. SAIFUDDIN SOZ) : (a) to (c) A Statement is laid on the Table of the House.

Statement

(a) and (b) No, Sir. A request made by the US Embassy seeking approval to sell two US ships for breaking conveyed information about the likely presence of hazardous materials in the ships. As such, the Ministry of Environment and Forests felt that the ships should not be sold for breaking in India till an assessment had been made about the quantity of hazardous material present in such ships and the requirements formulated for their disposal in an environmentally sound manner.

(c) According to the interim report of Metallurgical and Engineering Consultants (MECON) who conducted a study entitled "Ship-breaking Industry-Present status in India and its impact on environment", instituted by the Ministry of Steel on the suggestion of the Ministry of Environment and Forests, there is no significant effect on terrestrial flora and fauna. While marked variation in composition and density of marine flora (Phyto-plankton species) was noticed, according to the study, no difference in composition of marine fauna (zoo-plankton community) was found. The report states that there is no clear-cut decline in the fish-catch in the study area due to increase in ship-breaking activity.

SHRI L. RAMANA: Sir, I understand that the Ministry of Environment and Forests and the Ministry of Steel are at loggerheads over the approval to be granted by the latter to two US ships for ship-breaking off the coast of Gujarat. These ships are of 1930s vintage and their coating of paint contain hazardous substances. I also understand that the paint of the ships are toxic and so, the Ministry of Environment and Forests has refused to grant permission.

My first supplementary is this. The paint of the ships contain chemicals that are hazardous as they directly affect the reproductive system of wildlife and human beings and can cause intelligence disorders in children. Therefore, I would like to know whether the Government proposes to make a thorough investigation as to how the Ministry thought of granting permission in spite of objections raised.

PROF. SAIFUDDIN SOZ : Sir, there is no question of my Ministry having granted any permission to the two US ships. In the Statement that has been laid on the Table of the House, I had said that the ships have not come and then, I had also explained as to why they could not come. But last evening, at 8 p.m., after a week's effort, the Gujarat Maritime Board reported to me in writing. Earlier, they contacted on telephone because we had refused permission to these two ships as we had to take so many precautions. So, I wanted to know the port of India where these ships had come. My hunch was that these two ships must be somewhere around because the US, at the official level, was trying to convince us that these two ships are not carrying any hazardous substances. But we have to satisfy ourselves and find whether these ships have come or not so that we could examine the hazardous substances, if any. Last evening, at 8 p.m., I was told in writing by Gujarat Maritime Board that the two ships, maybe other ships, have come and they are being bleached. While I report this to this august House, I take the position that the Gujarat Maritime Board has the authority of bleaching and they are within their rights to do so. But since I have to take precautionary measures, I have informed the Gujarat Maritime Board today, around 9.30 a.m., that they should maintain the *status quo* till I institute a Committee to examine whether these are the two ships that were under discussion and if so, my Ministry will satisfy whether these ships carry any hazardous substances or not.

SHRI L. RAMANA : Sir, the Indian ship-breaking industry has come down by 29 percent during the last five years whereas the share of Bangladesh and Pakistan has increased. Why is the Government taking stringent measures before granting such permission when ship-breaking generates employment for thousands of persons and steel is also available at cheaper rates? Can the Government not take special measures to ensure that the ships would not contain hazardous substances to imbalance the natural animal life before granting such permission? Would the Government help the ship-breaking industry in its activities to save foreign exchange on steel as well as generate employment?

PROF. SAIFUDDIN SOZ : Sir, there is no question of my Ministry or, in fact, any other Ministry granting special permission or permission for ship-breaking because the hon. Member must be knowing that in the wake of liberalisation, there is an OGL. The OGL is in operation, in practical terms, from 1991. So, any party can bring in ships but the environmental laws are there. There is only one Ministry, that is, the Ministry of Steel, which is the agency in law. That can go into the question of ship-breaking. They have some norms.

On our part, we told the Ministry of Steel to institute a study. They did it through MECON to go into the whole question whether due care will be taken regarding any hazardous substances. An interim report from MECON has come. There is no danger to environment.

The other aspect to which the hon. Member has invited my attention is that whether we shall support and help ship-breakers so that they get employment. Yes; if these scraps come-- if the ships are broken within the norms--without generating any pollution, without harming the coastline, there is everything to support them because this is a genuine activity. But wherever they pollute the atmosphere and cause damage to environment, they will not be allowed. A case in point is this. Two ships of U.S. were not allowed to come in because we had to specify whether or not these two ships carried any substances in their paint or lead, etc., because these are hazardous substances. While the environment will not be impaired, we shall help them.

[Translation]

SHRI KASHI RAM RANA: Mr. Deputy Speaker, Sir, the hon. Minister in his reply has stated that he did not accord approval to US ship. It has been further stated that the Gujarat Maritime Board has already brought these ships. That when the Department of Environment takes a decision that the ships are not to be brought, then on which ground these ships were brought by the Gujarat Maritime Board. It is all right that the board has been asked to maintain *status quo*. At present, objections are being raised in respect of many ships on the issue of environment and pollution. The ship breaking work is done at 'Alang' in Gujarat on a large scale but it does not get sufficient number of ships. Due to gap of coordination between the State and Central Govt. people are being rendered jobless in Gujarat. I would like to know whether co-ordination should be set up and action likely to be taken against Gujarat Maritime Board for bringing ships without the approval of Central Govt.? Secondly, action being taken by the Govt. for removal of unemployment due to non-availability of ships to the ship breaking workshop because of this Ministry while it is available in the entire world?

PROF. SAIFUDDIN SOZ: The question of Co-ordination raised by the hon. Member was detected in night at 8 p.m. when the hon. member wanted to know in writing the prevailing condition since I was eager to know the whereabouts of these two ships.

SHRI PRAMOD MAHAJAN : The US embassy did not tell the whereabouts of these ships. When US embassy was making request after request did it not tell whereabouts of these ships?

PROF. SAIFUDDIN SOZ : Had the hon. Member listened to the complete reply of the question, there had been no need for him to utter these words. The US wanted that these two ships belonging to a private party should come to India. Therefore, US wanted to know whether any private party, under the law of the country and O.G.L. system, can bring the scrap for breaking it? The Ministry of Steel is looking after this work. My work is to keep an eye on pollution and environment. We did not permit the US because as per the law of their country. They cannot send ship to any other country without seeking permission of that country. When the Govt. came to know about it, we made them aware within a period of two months that they cannot bring the ships to our country. Now, I have been looking for the last 5-7 days and want to know if the ships were brought here, where are these ships at present? I came to know that the ships have been kept on Gujarat Coast and being bleached. I stopped them but Gujarat Maritime Board has its own authority, I could not do so. Alang port of Gujarat is a ship breaking port? It is said that it is the biggest ship breaking port in Asia and 90 percent ships of the country are broken here. Gujarat Maritime Board has the right of bleaching. It has also right to hand over the scrap to the party after breaking the ship. Therefore, as a precautionary measure, I told them to stop the work, I will see to it and if these are the same two ships then my Ministry has got the right to see its substance and in this way, I shall also get a chance. But the Gujarat Maritime Board has utilised its right properly.

The second question is whether the Govt. is likely to provide employment through ship breaking? The responsibility of our Ministry is to see the pollution and the Govt. is not willing to put hurdle before it because this is a laudable job and it would be instrumental in the progress of the country. There is no difficulty for those who are in the trade but are conscious towards environment.

SHRI PRAMOD MAHAJAN: Mr. Deputy Speaker, Sir, the ship breaking industry in our country is in the list of open General licence. For this purpose, permission of any Central Agency is not required for bringing the ships for the purpose of breaking. But if that ship carries any hazardous material and if such a ship is brought and broken up by any private company, it is likely to create problem there which will not be for company only but for the sea and the complex also. As per the U.S. law, whenever any ship is sent for breaking to any other country and if they have any such material loaded on it, they consult the other country and inform the Ministry of Environment to look into it lest it should create any problem. Had this not been a US Law, the ship having such hazardous material, would have been broken and the Union Govt. would not have paid attention to it. Therefore, I would like to ask if before breaking up the ship having hazardous material even

though listed in OGL, the permission of Union Govt. is required. Does the Govt. propose to bring any such Amendment in the existing law?

PROF. SAIFUDDIN SOZ : Pramodji has raised a question of great importance. If a ship carrying hazardous substance is brought here and it damages the environment, the Govt. would not repeat its fault. One more thing, I have stopped Gujarat Maritime Board to take any further action till the experts from my Ministry visit for inspection. It is also a step in this direction (*Interruptions*)

MR. DEPUTY SPEAKER : Please let him complete the reply.

SHRI PRAMOD MAHAJAN : If there is no such a law, the Gujarat Maritime Board can refuse the compliance of the Govt. order, then the Govt. will find itself helpless. If any private party brings the ship, what would the Govt. do in that case ?

PROF. SAIFUDDIN SOZ : I welcome your question that we would have to be more careful in future. I submit that big ports are under the Ministry of Steel, through which the big agency MECON has prepared the report that there is no danger to the Environment. Besides that, the Ministry of Environment is also taking other measures. CRZ notification of the Ministry of Environment is also in force, there is also steel plant Control Board. Besides that, the Coast Guards have also been directed to see as to whose goods are to be allowed and whose goods are not to be allowed. These measures are being taken. There is no such report with me in which is said that any particular ship would affect the environment. Yet, we have taken a note of that. Your question is worth noting in the sense that some additional steps should be taken to be more secure. I would see as to what can be done.

[*English*]

I will go into this whole question.

[*Translation*]

SHRI SHANTILAL PARSOTAMDAS PATEL : Whether Gujarat Maritime Board functions within the rules framed by the Union Government and whether the Government exercises any control over it or it functions of its own arbitrarily ? It has just been told that two American ships came here, they were not allowed, yet they came here. It has also been told that they are being bleached here, in other words they are generating pollution here. Do they come here to do all this.

SHRI CHAMAN LAL GUPTA : What else would happen in this Government ?

SHRI SHANTILAL PARSOTAMDAS PATEL : The team, deputed by you made a study regarding environment. That team went there and made enquiries from the people living in the vicinity and within the complex. Whether that

team made enquiries from any Government official or did they meet any public N.G.O.s ? As far as know, they did not do so. The Americans are in the habit of doing such things here, I don't want to go into the detail.

MR. DEPUTY SPEAKER : You please ask question.

SHRI SHANTILAL PARSOTAMDAS PATEL : I would like to know as to what do you say in regard to the coming of two ships in our area ? Would you send them back ?

PROF. SAIFUDDIN SOZ : Mr. Deputy Speaker, Sir, we considered the request of America. After that, American Ambassador, Shri Wisner met me officially. But still we did not give permission, because we were to see whether that contained any hazardous substances or not. Therefore, when we were asked, we did not give permission (*interruptions*)

MR. DEPUTY SPEAKER : First, let him reply. You please sit down.

SHRI RAMENDRA KUMAR : He is repeating the same thing.

MR. DEPUTY SPEAKER : It would not be allowed. Let him complete his reply.

PROF. SAIFUDDIN SOZ : We were asked because as per the law of that country it was necessary to take permission of the Ministry of Environment of the country where the ship was to go. The ship belonged to a Private Company. (*Interruptions*) You please listen the full reply. But we did not allow under the state act i.e. under the 'Gujarat Maritime Board Act', the Ships of Russia, Japan, America, etc. have been coming for the last so many years and have been destroyed because this activity has been considered as legal. Therefore, there is no question of adversely affecting the environment in giving to permission and getting subsistence. Why we asked Gujarat. We have sent telegram today in the morning and informed them on fax that they may have done so under their laws but yet we have to get these two ships checked.

[*English*]

I take this position, Sir, on this occasion that no country of the world will be allowed to make India a dumping ground. I want to give this assurance to the House (*Interruptions*)

SHRI NITISH KUMAR : You can do it, only if you change the law.

PROF. SAIFUDDIN SOZ : No, I will go into that question... (*Interruptions*)

Mr. Deputy Speaker Sir, Gujarat Maritime Board wrote to me at 8 p.m. yesterday after persistent enquiry. I wanted to know where those two ships are. I took the position this morning to inform the House..... (*Interruptions*)

SHRI RAJIV PRATAP RUDY : This requires Half an Hour discussion..... (Interruptions)

PROF. SAIFUDDIN SOZ : They have been told to maintain the *status quo* and this will be examined.

[Translation]

SHRI HARIN PATHAK : Mr. Deputy Speaker, Sir, as you can see, the reply to the question is vague, American Embassy informed you and sought prior permission that there is a possibility of hazardous material in the ships.

[English]

The American Embassy have already stated that they caution them, before they are allowed by you to come to Alang for ship-breaking.

[Translation]

Did the Ministry take up the matter with the American Embassy when they got this information from the American Embassy ? When you were informed that there was a possibility at these ships carrying the hazardous material, how did they enter India and engaged with the work of ship breaking ? The Ministry closed the entry thereafter. If these ships entered India after getting the information from the Ministry in this regard. Gujarat Maritime Board is not responsible for it. The hon. Minister is misleading Maritime Board. His Ministry is responsible for it, after getting information from the American Embassy, he allowed them entry.

[English]

There is no system in your Ministry to check as to whether these hazardous ships have come or not. (Interruptions)

[Translation]

MR. DEPUTY SPEAKER : He is saying that permission was not granted. What is your question?

SHRI HARIN PATHAK : My question is that whether with our permission these ships entered the territory of our sea ? When the American Embassy informed the Ministry that these ships had hazardous material. What else you wanted ? Will the hon. Minister take any steps in his Ministry to rectify this shortcoming ?

[English]

It is clearly mentioned that the American Government had already informed you that these two ships have some hazardous materials. Then how did they come to the Gujarat coast ? (Interruptions)

PROF. SAIFUDDIN SOZ : There is no question of my Ministry giving permission for breaking of these two ships. (Interruptions)

MR. DEPUTY SPEAKER : Let him complete his reply. Please sit down.

[Translation]

PROF. SAIFUDDIN SOZ : First of all you listen to me. The point is that I am telling you the latest position in this regard which I gathered before coming to the House this morning. (Interruptions)

[English]

MR. DEPUTY SPEAKER : Let him complete please.

[Translation]

PROF. SAIFUDDIN SOZ : Till yesterday evening, the position was that these two ships did not come to India. As soon as this question was brought to my notice, I initiated enquiry in this regard. I can not change the policy merely at the behest of the American Embassy. This matter shall have to be discussed with them. We informed them that permission would not be granted to these ships, since they also admitted that these ships carried hazardous material.

SHRI RAMENDRA KUMAR : The Hon'ble Minister should make it clear as to how did these ship enter without any permission?

PROF. SAIFUDDIN SOZ : Listen to me first, then you speak.

PROF. RASA SINGH RAWAT : How did these ships enter our territorial water without any permission.

[English]

MR. DEPUTY SPEAKER : I am sorry to say, let him complete his reply.

..... (Interruptions)

MR. DEPUTY SPEAKER : Please maintain decorum in the House.

[Translation]

PROF. SAIFUDDIN SOZ : When this question came to the notice of my Minister, I initiated enquiry into this matter in order to find out whether the ships actually entered the country without our permission. Till a quarter to eight yesterday evening, the position was that these two ships did not enter our territorial water.

MR. DEPUTY SPEAKER : Do not repeat the same thing time and again?

PROF. SAIFUDDIN SOZ : Needle of suspicion is moving towards Gujarat because 90 percent work of ship breaking is undertaken there. Had this incident occurred in a major port, the Ministry of Shipping would have paid their attention. Hence they have held Gujarat responsible for it. Verbally they stated that these ships were not..... (Interruptions) the ones that were suspected

Gujarat was told that we wanted to inspect in order to check whether the Ships were the ones suspected of carrying hazardous material. We shall find out the position in this regard. This was the position last night and today. Today morning we have asked them that

[English]

hold on. Till we examine these two ships, maintain *status quo*.

SHRI RAJIV PRATAP RUDY : This question and the issue which came up is something new to the Ministry of Environment. It is clear from the reply of the Minister that it is for the first time that such a matter has come to his knowledge and that of the Ministry of Environment. The news came from America that such..... (Interruptions) possibility is there..... But Mr. Deputy Speaker, Sir, this question does not rest here but involves a policy decision.....(Interruptions)

[English]

MECON Consultancy is basically an engineering Consultancy for mechanical works.

[Translation]

If you go through the reply, apprehensions are bound to arise in mind.

[English]

The report states that there is no clear-cut evidence in the decline of the fish-catch.

[Translation]

This institution itself is not competent for this work. The issue which has come up to the Ministry of Environment is new. The coastal line of India is very long. Just to as the American ship has come this time, in the same way French or German ship may arrive next time. I would like to know whether the Ministry of Environment is willing to take any policy decision in the matter so that a provision can be made to prevent recurrence of such happenings. Any such ship is bound to have lead, it may contain oil, as also chemicals. Under the circumstances, the Minister of Environment is willing to take any policy decision in the matter so that a provision can be made to prevent recurrence of such happenings. Any such ship is bound to have lead, it may contain oil, as also chemicals. Under the circumstances, the Minister of Environment is willing to take any policy decision if such ships continue to reach the shores of the country ?

[English]

PROF. SAIFUDDIN SOZ : There is no cause for concern. It has been made known to every agency. We wrote letters to the Ministry of Steel, the Ministry of Shipping and Transport and alerted our State Pollution Control

Boards. I have organised a meeting of the Chairman of State Pollution Control Boards. This is also in the agenda for the meeting scheduled on the 14th of this month.

I have taken the position before this august House that India will not be made a dumping ground or any hazardous substance. But as far as Gujarat Maritime Board is concerned, it is Governed by an Act and it has the authority to break ships. Since I have the suspicion, I have halted the activity. I can assure you that whatever measures need to be taken in future, I will take those measures.

[Translation]

SHRI RAMENDRA KUMAR : Mr. Deputy, Speaker, Sir, it is clear from the reply of the Hon'ble Minister that he was very much aware of the contents of the ship, not with standing which the ship was permitted to enter our seas. I would like to know that whether any ships belonging to any country and with any kind of cargo over board can be allowed to roam about freely without the permission of the Government ?

PROF. SAIFUDDIN SOZ : At this movement here I can say about my Ministry only. I cannot change the law. Pramod Mahajan ji asked whether we shall think over ways and means to become more secure in future and make sure that no foreign ship has access to any of our ports with proper cause.....(Interruptions)

MR. DEPUTY SPEAKER : You please just listen. You have completed your question. Now you must listen to the reply.

PROF. SAIFUDDIN SOZ : I have said that every precaution has been taken and I will try to take more precautions for the future as well but asking for dispensing with O.G.L. in the wake of liberalization in the country will not be proper.

Anyone can bring scrap of ship privately and can perform activities here. We have got laws to ensure that it does not pollute the environment. If any such thing comes to my notice I will look into it.

SHRI DILEEP SANGHANI : Mr. Deputy Speaker, Sir Pipava Shipyard situated near Alang Shipyard is in my constituency. Regarding the ship about which the discussion is going on here, International rules are laid down there to deal with it. When any ship ceases to function, it is put to auction in which any one can take part. That ship is kept in a separate shipyard. There is no problem in it. Permission of the Gujarat Maritime Board is required to be obtained for subjecting it to the process of 'break'. This aspect should have to be taken care of before breaking the ship (Interruptions)

MR. DEPUTY SPEAKER : What is your question?

SHRI DILEEP SANGHANI : There is problem in shifting it. While giving the permission for it you ignore the

environmental aspect. Besides this, fire breaks out in the shipyard as many as four to five times in a year causing death of many people. The Gujarat Maritime Board is unable to curb the fire and the loss which it is causing to environment. Whether the Central Government propose to take any steps to prevent the damage caused to the environment by such fire incidents. Last year several fire incidents took place there. Will you please help us by conducting an enquiry into it ?

PROF. SAIFUDDIN SOZ : As you have raised this question, the angle from which I will look into this subject will be to find out as to which type of break has led to what type of condition of the ship. I cannot stop the Gujarat Maritime Board from proceeding in a particular way. It happened without me. It came to notice in the evening. They have their own Act in this regard. As regards to the question you have raised about repairing the ship, I will look into that.

MR. DEPUTY SPEAKER : This is an important question. Instead of five, nine supplementaries have been allowed. Yet I admit the fact that even then everybody is agitated over this. This question has got two aspects. If there is no ship, people are rendered jobless and if there are ships, they create pollution. So far it is only in our knowledge that the matter has never taken up with Russia and also other countries. I do not know if anyone of them has ever sought any permission? America has got their own laws which prohibits ships from entering there, which is why question of seeking permission rose. My submission is that in view of all these facts, you should formulate a policy in this regard. Better if we hold a half-an-hour discussion on this issue.

[English]

Prawn Cultivation

*182. SHRI GEORGE FERNANDES : Will the Minister of ENVIRONMENT AND FORESTS be pleased to state :

(a) whether the Supreme Court in its judgement ordering for closure of prawn cultivation in the coastal States had cited environment as the most important reasons for the closure of the farms ;

(b) whether his Ministry have examined all aspects of this judgement and have taken steps to protect the environment;

(c) if so, the details thereof; and

(d) if not, the reasons therefor ?

THE MINISTER OF ENVIRONMENT AND FORESTS (PROF. SAIFUDDIN SOZ) : (a) and (b) Yes, Sir.

(c) As per the directions of the Supreme Court, the Ministry of Environment and Forest has constituted the Aquaculture Authority under Section 3(3) of the Environment

(Protection) Act 1986 to deal with the situation created by the shrimp culture industry in coastal States and Union Territories. The Authority has been vested with all powers necessary to protect the ecologically fragile coastal areas, sea shore and waterfront.

(d) Does not arise.

[Translation]

SHRI GEORGE FERNANDES (Nalanda) : Mr. Deputy Speaker, Sir, I hold that this question is based on the decision given by the Supreme Court, the copy of which is most probably, in the possession of the Hon'ble Minister. Therefore, I request him to go through the same to find out that he has answered only one point out of 16 points contained in the decision. The remaining 15 points have not been at all touched by the Minister. I want to know whether the Govt. are likely to accept only one point out of the 16 contained in the Supreme Court Directives and want to ignore the rest of the 15 points.

PROF. SAIFUDDIN SOZ : No doubt, the matter raised by Shri George Fernandes is of utmost importance. But this is not correct to say that we are taking action only on a single point. Copy of the Directives of the Supreme Court is here before me and we have taken note of the all 16 points. Attaching a lot of importance to its directives, we are making efforts to implement them all. The first point pertains to the constitution of an Authority to look after aquaculture. I would like to let you know that we, after a lot of hard work, have set-up an aquaculture Authority.

SHRI GEORGE FERNANDES : What hard work have you done ?

PROF. SAIFUDDIN SOZ : Hard work involves a lot of things including appointment of a deserving Chairman and efficient staff to run the Authority successfully. Anyway, Aquaculture Authority will come into existence very soon.

SHRI NITISH KUMAR : When you people can search out Prime Minister like I.K. Gujral, I do not think there should be any problem in searching out a Chairman?

MR. DEPUTY SPEAKER : It has got no relevancy, whatsoever, with the question under discussion.

PROF. SAIFUDDIN SOZ : We have perhaps started taking action on the directives given by the Supreme Court. So far as the first point pertaining to the Aquaculture Authority is concerned, it has been set-up. It has also started functioning. Further, the Hon'ble Supreme Court.

SHRI GEORGE FERNANDES : My question was very clear. There are 16 points in the directives of the Supreme Court. The judgement of the Supreme Court is before the able Ministry. It was delivered seven months back. This is the eighth month but still it is not known as to by what time the Government are likely to take action on these points ?