

SIXTY-FIRST REPORT
ESTIMATES COMMITTEE
(1987-88)

(EIGHTH LOK SABHA)

MINISTRY OF ENVIRONMENT AND FORESTS

**AIR AND WATER POLLUTION—
PREVENTION AND CONTROL**



Presented to Lok Sabha on 21 April, 1988

**LOK SABHA SECRETARIAT
NEW DELHI**

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CONTENTS

	PAGE
COMPOSITION OF THE COMMITTEE	(iii)
INTRODUCTION	(v)
CHAPTER I LEGAL PROVISIONS	
A. Introductory	1
B. Inclusion of the subject 'Water' in the concurrent list of the Constitution	2
C. (i) The Water (Prevention and Control of Pollution) Act, 1974	4
(ii) The Air (Prevention and Control of Pollution) Act, 1981	5
(iii) Amendments to Air and Water Acts	6
(iv) The Water (Prevention and Control of Pollution) Cess Act, 1977	7
D. Legal Provisions for hazardous Chemicals	9
E. Special Courts	10
CHAPTER II ORGANISATIONAL SET-UP	
A. The Central Board for the Prevention and Control of Water Pollution	15
B. State Pollution Control Boards	20
C. Coordination between Central and State Boards	24
D. Manpower Requirements	27
E. Training Programme	28
F. Equipment and Laboratory facilities in State Boards	29
CHAPTER III FINANCIAL PROVISIONS	
A. Financial Allocations of the Ministry of Environment and Forests	33
B. Financial Allocations of Central Board	36
C. Seventh Plan Outlay	38
D. Water Cess	39
E. Incentive for Pollution Control	43
APPENDIX I	46
APPENDIX II	50
APPENDIX III	52
APPENDIX IV	58

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(1987-88)

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*Elected on 6th August, 1987 *vice* Prof. Narain Chand Parashar resigned from the Committee w.e.f. 3rd June, 1987.

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2. Shri J. C. Malhotra—*Dy. Secretary*
3. Shri A. Subramanian—*Senior Financial Committee Officer.*

INTRODUCTION

I, the Chairman of Estimates Committee, having been authorised by the Committee to submit the Report on their behalf, present this Sixty-First Report of the Ministry of Environment and Forest—Air and Water Pollution—Prevention and Control.

2. The Estimates Committee (1987-88) took the evidence of the representatives of the Ministry of Environment and Forests on 23rd and 25th November, 1987. The Committee wish to express their thanks to the officers of the Ministry of Environment and Forests for placing before them the material and information which they desired, in connection with the examination of the subject and for giving evidence before the Committee.

3. The Report was considered and adopted by the Estimates Committee (1987-88) on 7 April, 1988.

4. For facility of reference, the recommendations|observations of the Committee have been printed in thick type in the body of the Report and have also been reproduced in a consolidated form in Annexure IV to the Report.

CHANDRA TRIPATHI,
Chairman,
Estimates Committee.

NEW DELHI :
April 13, 1988
Chaitra 24, 1910(S)

CHAPTER I

LEGAL PROVISIONS

A. Introductory

1.1 Pollution problems in our country are, to a large extent, attributed to lack of water supply, sanitation facilities and such other basic needs. There are also problems of pollution due to increasing industrialisation. As such, unlike the developed countries, we have to carry a double burden consequent upon under-development, the hallmarks of which are poor environmental sanitation, malnutrition and rapid population growth and the added burden of problems arising as a sequel of industrialisation.

1.2 Some aspects of environmental protection, namely, public health, industrial hygiene, water supply and sanitation etc. have been included in development programmes right from the initiation of the Five Year Plans. However, the concern for integration of environmental considerations in the process of planning for economic development was, for the first time, explicitly articulated in the Fourth Five Year Plan (1969-74).

1.3 A high level Committee headed by the then Deputy Chairman, Planning Commission, Shri N. D. Tiwari was constituted in February, 1980 to recommend legislative and administrative measures for ensuring environmental protection. One of the recommendations of the Committee which submitted its report in September 1980, was for setting up of a Department of Environment at the Centre. As recommended by the Committee, the Government of India decided to set up the Department of Environment and it came into existence on November 1, 1980 as a focal point in the administrative structure of the Government for dealing with the subjects relating to environment and ecology.

1.4 The Central Board for the Prevention and Control of Water Pollution constituted in 1974 was attached to the Department of Environment. This Board also looks after, *inter alia*, air pollution. The Ministry of Environment and Forests came into existence in September, 1985. The Ministry is fully concerned with all aspects of environment and ecology, its protection, conservation and management.

Water Pollution—Sources and Pollutants

1.5 Pollution of surface waters is most prevalent in and around urban areas, the most predominant sources being city sewage and industrial wastes. Other sources of pollution are discharges from thermal power

plants, agricultural run off, oil and gas exploration etc. Majority of cities in the country are not fully sewered or full treatment facilities for domestic wastes are not available in most places. Such a gross inadequacy of sewerage and sewage treatment facilities in major settlements is the principal cause of water pollution. An earlier estimate has indicated that 85% by volume of the wastes generated is from domestic sources, the remaining from industrial discharges. The industrial wastes discharges, though small in volume, contribute approximately 50% of total BOD load reaching the surface waters. It is estimated that 70% of the industrial wastes (by volume) is contributed by large and medium industries. The pollution of groundwater resources due to industrial wastes has been observed in some pockets of the country.

Air Pollution—Sources and Pollutants

1.6 Pure air consists of 78.09% nitrogen, 20.95% oxygen, the rest being carbon dioxide, ozone, traces of inert gases like neon, krypton, xenon etc. Any imbalance to the above constituent of air leads to pollution which may be caused by natural condition as well as human activities. Air pollutants can be broadly classified into two types; particulate matter and gaseous pollutants. The common air pollutants in urban areas are smoke, sulphur dioxide, carbon dioxide and particulate matters. Air pollution has adverse effects on plants, human beings, animals, soils, materials, atmospheric phenomena such as temperature, solar radiation etc.

B. Inclusion of the subject "water" in the concurrent list of the Constitution

1.7 To enforce the measures for prevention and control of pollution from various sources including industries, pollution control laws have been enacted and regulatory authorities have been set up/designated at the Centre and at the State level. There are about 30 major enactments related to control of pollution now being administered by the Central and State Governments. The Water (Prevention and Control of Pollution) Act, 1974, and the Air (Prevention and Control of Pollution) Act, 1981, the Factories Act, 1948, the Insecticides Act, 1968, are some of the prominent ones among these enactments. These Acts are implemented through several organisations like the Central and State Pollution Control Boards, Chief Inspectors of Factories and Insecticides Inspectors of Agriculture Department.

1.8 The matter relating to water and air pollution is considered under subjects of 'water', 'air' or 'environment'. The subject, "water" is listed at item 17 of the State List in the Seventh Schedule to the Constitution and water pollution is hence considered under the legislative competence of the States. The subjects, "air" and "environment" are not specified in any of the lists of the Seventh Schedule and hence can come under the residuary powers of the Centre under item 97 of Union list.

1.9 Asked during evidence whether it would have been appropriate if "water" had been brought under concurrent list for making a central law on the subject, the Secretary of the Department has stated :

"In the Constitution, water comes in the State List and there is no mention of air and environment or environmental protection under any list. The Tiwari Committee report came in September, 1980 and it recommended that environmental protection should be introduced in the Concurrent List of the Constitution."

The Secretary added that :

"The entry in the Concurrent List would certainly make the procedure for modifying or changing this legislation through Parliament much better. I think this matter has been recently gone into by the Sarkaria Commission. In terms of administrative convenience, the entry in the Concurrent List would make it probably easier."

1.10 Asked whether the Department was facing any difficulty in bringing "water" under Concurrent List of the Seventh Schedule, the Secretary has replied :

"There is no difficulty as such. But that is not the only reason. The Law Ministry has advised us that it is possible for Parliament to do that and it is not necessary to amend the Constitution. The advice of the Attorney General has been sought and we are awaiting it. If the advice is that it is better to go in for this amendment, we will move the Government accordingly."

1.11 Asked about the opinion given by the Law Ministry in the matter, the Secretary has stated :

"They had consulted Attorney General 5-6 years ago. Even then the advice was that it is not necessary to move an amendment to the Constitution. The Government had advised us to get the advice of Attorney General once again. The present procedure that we adopt for water is available under Article 252. You have to get the resolution passed by two assemblies and then go to the Parliament to see that water is legislated upon by the Parliament."

1.12 The Committee note that as the subject "water" is listed in the State List, the Central Law on Prevention and Control of Water Pollution was enacted by Parliament in 1974 taking re-course to the provisions of Article 252(1) of the Constitution. Had this item been in the Concurrent List, the need for adopting such a cumbersome process could have been

obviated. Since the Secretary of the Department has agreed during evidence that inclusion of this item in the Concurrent List would be convenient administratively and that the Ministry of Law also endorses this opinion, the Committee would like the Government to consider bringing forth necessary amendment of the Constitution for inclusion of the subject "water" in the Concurrent List. It is needless to point out that such an amendment will also obviate the necessity of approaching the States again and again for bringing any further amendments to the parent Act.

C. (i) Water (Prevention and Control of Pollution) Act, 1974.

1.13 In order to enable Parliament to make uniform law regarding prevention and control of water pollution, the State Legislatures of Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tripura and West Bengal passed resolutions under Article 252(1) of the Constitution authorising Parliament to enact on the subject. Accordingly, Parliament enacted the Water (Prevention and Control of Pollution) Act, 1974 (referred to hereafter as Water Act). The Act came into force on March 23, 1974. Subsequently, Uttar Pradesh, Punjab, Andhra Pradesh, Tamil Nadu, Maharashtra, Orissa and Meghalaya adopted this Act. The Water Act is now applicable throughout the country except the States of Nagaland, Sikkim, Manipur, Arunachal Pradesh, Goa and Mizoram.

1.14 The Act envisages constitution of a Central Board by the Central Government and State Boards by the respective State Governments, as the main implementing authorities under the Act. The Central Board was constituted in September, 1974.

1.15 Of the nineteen States which have since adopted the Act, eighteen have constituted the State Boards for Prevention and Control of Water Pollution which is the main implementing authority under the Act. The Act applies to Tripura but the State has not yet constituted the Board. The dates of constitution of the Boards, which would show the dates from which the Act has been actually implemented are shown below :

Sl. No.	Name of State	Date of constitution of Board
1	2	3
1.	Kerala	12-9-1974
2.	Haryana	19-9-1974
3.	West Bengal	20-9-1974
4.	Karnataka	21-9-1974
5.	Madhya Pradesh	21-9-1974
6.	Gujarat	15-10-1974

1	2	3
7. Bihar		7-11-1974
8. Himachal Pradesh		5-12-1974
9. Uttar Pradesh		3-2-1975
10. Rajasthan		7-2-1975
11. Assam		2-6-1975
12. Punjab		30-6-1975
13. Andhra Pradesh		24-1-1976
14. Jammu & Kashmir		1976
15. Tamil Nadu		27-2-1982
16. Maharashtra		1-4-1982
17. Orissa		1-4-1982
18. Meghalaya		2-4-1984

1.16 Amongst the States to which the Water Act is not applicable, Arunachal Pradesh, Mizoram and Goa became fullfledged States recently and the Central Board functioned as the State Boards till then. The Ministry has written to six States, viz., Manipur, Nagaland, Sikkim, Arunachal Pradesh and Goa to adopt the Water Act and to constitute the Boards. Tripura, which has already adopted the act but not constituted the Board as yet, has also been requested by the Government to constitute the Board.

1.17 So far as the Union Territories are concerned, the Water Act is in force in all the Union Territories, viz., Delhi, Chandigarh, Pondicherry, Dadra and Nagar Haveli, Andaman and Nicobar Islands and Lakshadweep. Section 4(4) of the Act provides that no State Board shall be constituted for a Union Territory and in relation to a Union Territory, the Central Board shall exercise the powers and perform the functions of a State Board.

(ii) *Air (Prevention and Control of Pollution) Act, 1981*

1.18 The Air (Prevention and Control of Pollution) Act, 1981 has been passed by Parliament under Article 253 of the Constitution, read with Entry 13 of the Union List in Seventh Schedule of the Constitution. This Act was passed by Parliament for implementing decisions taken at United Nations Conference on Human Environment held in Stockholm in June, 1972 in which India participated.

1.19 The preamble of the Air Act, 1981 states that decisions were taken at the United Nations Conference on the Human Environment held in Stockholm in June 1972, in which India participated, to take appropriate steps for the preservation of the natural resources of the earth which, among other things, include the preservation of the quality of air and control of air pollution. To implement these decisions insofar as they relate to the preservation of the quality of air and control of air pollution, Parliament enacted the Air (Prevention and Control of Pollution) Act, 1981.

(iii) *Amendments to Air and Water Acts*

1.20 In the course of the implementation of the Water Act and Air Act, certain legal constraints as mentioned below in the enactments have come to the notice :—

- (a) Under the Water and Air Acts, the Government or the Board are not empowered to give directions for closure, prohibition or regulation of any polluting industry or process, nor is there any power to issue administrative direction to the concerned agencies to stop or regulate supply of electricity, water or any other service to any such polluting industry, though such provisions exist under the Environment (Protection) Act, 1986.
- (b) Under Section 37 of the Air Act, any one failing to take consent of the Board for operating any plant within an air pollution control area or anyone emitting air pollutants in excess of the standard, is liable for punishment of imprisonment upto 3 months or with fine. This penal provision, compared to the corresponding provision of the Water Act, is lenient.
- (c) At present, no consent of the Board, under the Water or Air Act is necessary for setting up a plant which might cause effluents or emissions. Only requirement is before discharge of such effluents or emissions, consent is necessary.
- (d) There is no provision under the Water and the Air Acts for individuals taking up cases against anyone for violation of the provisions of the Acts. Under the Environment (Protection) Act, however after 60 days' notice, anyone can move the court for cognizance of such offences.

1.21 In order to remove the legal constraints, a review of the existing legislation was carried out and the Air (Prevention and Control of Pollution) Amendment Act, 1987 has been enacted by Parliament, with a view to remove some administrative and practical difficulties experienced by the implementing agencies in the working of the Air (Prevention and Control of Pollution) Act, 1981.

1.22 The amending act, *inter alia*, makes the following provisions :—

- (i) The Central Board has been empowered to exercise the powers and perform the functions of a State Board in specific situations, particularly when a State Board fails to act and comply with directions issued by the Central Board. It has also been proposed to recover the cost of the exercise of such powers and the performance of such functions by the Central Board from the person or persons concerned, if the State Board is empowered to recover such costs under the provisions of the Act, as arrears of land revenue or of public demand.

- (ii) It has been made obligatory on the part of a person to obtain the consent of the relevant Board even while establishing an industrial plant.
- (iii) The Boards have been empowered to obtain information regarding discharge of pollution in excess of specified standards by the industries operating even outside the air pollution control areas.
- (iv) In order to prevent effectively air pollution, the punishments in the Act have been made stricter.
- (v) In order to elicit public cooperation, any person has been authorised to complain to the courts regarding violations of the provisions of the Act after giving a notice of sixty days to the Board or the office authorised in this behalf.
- (vi) The Act has been made applicable to all the industries causing air pollution.
- (vii) Boards have been empowered to give directions to any person, office or authority including the power to direct closure or regulation of offending establishment or stoppage or regulation of supply of services such as, water and electricity.
- (viii) Boards have also been empowered to approach courts to pass orders restraining any person from causing air pollution.
- (ix) For increasing the financial resources of the Boards, they have been empowered to raise money by obtaining loans and issue of debentures.

1.23 Amendments to the Water Act, 1974 are being contemplated and for amending the Act, State Legislatures would have to pass resolutions under Article 252 of the Constitution. The Ministry has written to all the State Governments in July 1987 to get resolutions to this effect passed in the State legislatures. While one State Legislature has already made a simple endorsement, three States have made some suggestions for some changes. While resolutions by two States under Article 252 can enable the Central Government to enact the legislation, and it shall apply to such States and to any other State by which it has been adopted.

(iv) *The Water (Prevention and Control of Pollution) Cess Act, 1977*

1.24 With a view to augment to resources of the Central Board and State Boards for the prevention and control of water pollution, constituted under the Water (Prevention and Control of Pollution) Act, 1974, the Water (Prevention and Control of Pollution) Cess Act, 1977 was passed by Parliament to provide for levy of cess on water consumed by persons carrying on certain industries and by local authorities. The Act extends

to all the States to which Water (Prevention and Control of Pollution) Act, 1974 applies and the Union Territories, except the State of Jammu and Kashmir.

1.25 The Act was passed by Parliament in exercise of its independent legislative power under the residuary powers mentioned in Entry 97 of Union List in Seventh Schedule of the Constitution.

1.26 The Committee are happy to note that by amending recently the Air (Prevention and Control of Pollution) Act, 1981, the Government has armed itself with sufficient powers to check air pollution. Some of the provisions of the amended Act envisage *inter-alia* the prior consent of the concerned State Pollution Board for establishing an industrial plant as obligatory, stricter punishments for violation of Air Act, closure or regulation of any offending industry and obtaining from courts orders restraining any person from causing air pollution by the Pollution Boards etc. The Committee hope that the implementing agencies will now make copious use of these powers effectively to check air pollution by initiating appropriate corrective measures within a time-bound programme.

1.27 The Committee further note that amendment to the Water (Prevention and Control of Pollution) Act, 1974, is also contemplated as the constraints in the implementation of the Air (Prevention and Control of Pollution) Act, 1981 are also being faced in the case of implementation of the Water (Prevention and Control of Pollution) Act, 1974. However, for bringing amendments to the Water Act, State Legislatures would have to pass resolutions under Article 252 of the Constitution and that implementation by the States will depend on their adoption of the amending Act and will not be automatic. The Committee have already recommended for inclusion of the subject "water" in the Concurrent List for avoiding this cumbersome procedure. Meanwhile, the Committee hope that it will be possible for the Government to bring forth the Amendment Act without any further loss of time.

1.28 The Committee note that with the change in legal status of Arunachal Pradesh, Mizoram and Goa as full fledged States, the Water Act is not applicable until the State Legislatures adopt the Central Act and constitute State Boards. The Committee hope that the matter relating to adoption of the Act and constitution of State Boards will be vigorously pursued with the States.

1.29 The Committee are surprised to learn that even in Nagaland and Manipur, the provisions of Water Act were not extended to them and the States are now being persuaded to adopt the Act. As preventive steps are necessary before critical stage of problem is reached, the Committee hope that these States will also be persuaded to adopt the Act urgently.

D. Legal Provisions for hazardous chemicals

1.30 A number of potentially hazardous chemicals are produced in our country or imported from abroad and are also used as raw materials or inter-mediarics. These chemicals need regulation in the stages of manufacture, processing treatment, import, package, storage, transportation, use, collection, conversion and disposal. The injury that can be caused to human health and to environment in general by these chemicals has been well documented and had been demonstrated tragically in the case of Bhopal disaster.

1.31 These are several existing laws such as the Insecticides Act, Explosives Act, Factories Act, Petroleum Act, the Indian Boilers Act etc. which deal with some aspect of safety of some hazardous chemicals. These legislations are implemented by a large number of Central and State agencies throughout the country. However, some chemicals are not covered by the existing laws and several stages from "cradle to grave" of the chemicals are not covered under any Act.

1.32 The Environment (Protection) Act, 1986, gives the overall power to the Central Government to regulate hazardous chemicals by stipulating procedures and safeguards for the handling of these chemicals and implementing them rigorously. The Ministry has decided that the existing agencies should be fully utilised in regulating the chemicals instead of creating a new implementing structure. In order to implement this decision, an Inter-ministerial Conference of the Ministry of Environment and Forests, Agriculture, Industry, Labour, Chemicals and Petrochemicals and Surface Transport, representatives of five State Governments of Andhra Pradesh, Gujarat, Maharashtra, Tamil Nadu and West Bengal, where the chemical industry is strong, and 23 experts from the various Institutions of the country was held in Baroda in October, 1986.

1.33 As a result of this meeting, agencies of the Central and State Governments have been identified to look after specific aspects regarding hazardous chemicals and action initiated on the following aspects :

- Listing of hazardous chemicals and maintenance of a data bank ;
- Prescribing procedures with reference to manufacture, storage, import, transport, use and disposal of hazardous chemicals and implementation of the procedures ;
- Prescribing procedures for location of chemical industries and implementation ;
- Guidelines regarding safety measures and safety audit of hazardous installations and implementation ;

- Procedures for preparation of on-side and off-side emergency and post-emergency plans and implementation ;
- Procedures in case of accidents ; and
- Research.

1.34 The Committee note that as a result of inter-ministerial conference held in Baroda in October, 1986, action is being taken to (1) enlist hazardous chemicals, (2) prescribe procedures for manufacture, storage, imports, transport, use and disposal of hazardous chemicals, (3) lay down procedure for location of chemical industries, (4) prescribe guidelines for safety measures, and (5) procedure in case of accidents. With the Bhopal tragedy still green in our memory and its effects yet to be surmounted, the Committee recommend that a time bound programme may be drawn for implementing the decisions taken in the inter-ministerial Conference held in October, 1986 and hope that an in-built system will be established for identifying extent and effect of pollution by the hazardous chemicals at the initial stage of utilisation itself.

E. Special Courts

1.35 The Committee have been informed that the disposal of cases by Courts is delayed and the cases remain pending in the Courts for several years. In the meantime, the polluting industries continue to discharge polluting effluents or emit air pollutants.

1.36 In regard to position of cases filed in Courts of Law for violation of provisions of Water Act and Air Act, the Central Board has furnished the following information :

Sl. No.	Name of the Board	Under Water Act			Under Air Act		
		Total Cases	Decided	Pending	Total Cases	Decided	Pending
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	17	9	8	1		1
2.	Assam	...	...	...	...	...	...
3.	Bihar	13	...	13	...	...	...
4.	Goa	3	2	1	...	...	...
5.	Gujarat	378	87	291	34	15	19
6.	Haryana	175	5	170	8	...	8
7.	Himachal Pradesh	42	14	28	13	3	10
8.	Jammu & Kashmir	...	...	...	...	...	...
9.	Karnataka	18	4	14	9	...	9
10.	Kerala	22	17	5	...	...	...
11.	Madhya Pradesh	65	...	65	19	2	17
12.	Maharashtra	74	5	69	6	2	4
13.	Meghalaya	...	...	...	...	...	...

1	2	3	4	5	6	7	8
14. Orissa		8	1	7	2	...	2
15. Punjab		138	16	122	...	...	...
16. Rajasthan		124	15	109	...	...	...
17. Tamil Nadu		202	23	179	105	74	31
18. Uttar Pradesh		155	39	116	4		4
19. West Bengal		12		12			...
20. Union Territory— Delhi		151	47	104	1	1	
21. Pondicherry		5	4	1	...	...	...
Total		1602	288	1314	202	97	105

1.37 The Department has suggested the following corrective measures to deal with the situation :

- (1) Constitution of special courts under section 13 of Code of Criminal Procedure. Bihar has started one such court to try water and air pollution cases. Other States have been requested to follow the example.
- (2) Under Section 33 of Water (Prevention and Control of Pollution) Act, 1974, the courts can be approached for obtaining restraint orders against polluters. A similar provision does not exist in the Air (Prevention and Control of Pollution) Act, 1981. However, in the Air Amendment Bill recently passed by Parliament a similar provision has been incorporated.
- (3) Section 5 of the Environment (Protection) Act, 1986 enables issue of directions including for closure, prohibition or regulation of any industry, operation or process or for stoppage or regulation of the supply of electricity or water or any other service. A similar provision has been included in the Air Amendment Bill recently passed by Parliament. It is proposed to include a similar provision in the Water Amendment Bill also.

1.38 The Committee desired to know during evidence that after the Air Amendment Bill had been passed by Parliament, whether the Central Government would be empowered to give directions for the closure of the defaulting industry or to stop any polluting industry. The Secretary, Department of Environment and Forests has explained :—

“We already have that power under the Environment Protection Act, 1986. Recently the Lok Sabha has passed the Air Pollution amendment and it is awaiting Rajya Sabha's approval. It enables the Pollution Boards to take such action. Similarly we will have Acts and the Central and State Boards will have the powers.”

1.39 Asked whether the Boards are empowered to issue the orders or they have to go to the court for the same, the Secretary stated that this could be done by executive order.

1.40 On the consequences that would arise if somebody went to the court and had the executive order stayed, the case remained pending for years and in the meantime the pollution by the defaulting industry continued, the Secretary has explained :—

“We have got powers to implement and order closure. I will quote an instance. For several years the pollution by tanneries in Kanpur was going on; the pollution of the river was going on. The State Government was not successful in stopping it. Ultimately the Supreme Court on public litigation ordered 29 of the industries to be closed. Then by that order we were able to close the polluting tanneries in Kanpur. While the legislation may go on the Board can ask the State Electricity Board to stop supply of electricity and the municipality not to supply water to them.”

He has further stated :—

“Under the Water Pollution Act and the Air Pollution Act the power is not yet with us. It is pending legislation by Parliament.
 • Under the environment Act the power is already with us which was passed in 1986. It is intended to delegate the power to the State Governments. The manner of delegation has been communicated to the State Governments. I expect their replies soon and we will furnish the details.”

1.41 Asked whether special courts be set up to deal with pollution cases, the Secretary has stated :—

“Certainly the idea of special courts are being tried out in some of the States. I can quote—Bihar and Gujarat. Sometimes the special courts tend to be double edged—advantages or disadvantages and constituting one special court for a whole State may cause some damage rather than good. Further, the State Governments are having the constraints of money in setting up the special courts. The problem is that these courts take months after months. The other problem is that for every action, there are several reactions. Once if it is taken before the special Courts, then the Session Court's injunction is obtained. Then, High Court Order and Supreme Court stay Order are obtained.”

1.42 Asked whether it would be appropriate if cases of pollution were dealt with exclusively by the special courts which excluded the purview of other courts excepting the Supreme Courts, the Secretary has stated :

“It was done by legislatures in the early years of independence on a completely different field. In the early Fifties, the country wanted to deal with the cultivating tenants. It did two things. Cultivation Tenants Protection litigation was given summary trial and the appeal was in the High Court.”

1.43 So far as Bihar is concerned, a special Magistrate under Section 11 of the Criminal Procedure Code was appointed by Hon'ble High Court, Patna on 6-9-1983 with the direction that he will try offences arising out of Water (Prevention & Control of Pollution) Act, 1974. Initially the Board faced some difficulty in pursuing cases owing to transfer of the notified special Magistrates from time to time.

1.44 Subsequently on 7 February, 1986 the High Court of Bihar nominated the Sub-Divisional Judicial Magistrate, Patna, by designation to hear the cases arising under the water (Prevention and Control of Pollution) Act, 1974, with powers to issue directions under Section 33 of the Water Act.

1.45 Upto 14-9-1987 the Bihar State Pollution Centre Board has instituted 62 cases—5 cases under the Water Cess Act, 55 under the Water Act and 2 under the Air Act. Out of these 62, 6 cases were instituted about 6 years back and the remaining 57 have been filed during the last 9 months. Two cases have been decided by the Court in favour of the Board, directing the industries to put up effluent treatment plants within a time frame failing which the court may order closure of the units. The rest of the cases are pending in the special court at Patna.

1.46 The Committee feel deeply concerned to find that quite a large number of cases regarding violation of provisions of Water and Air Acts are pending in various courts. As in November, 1987, the number of pending cases under the Water Act was 1314 out of a total number of 1602 cases filed. The position with regard to the cases under the Air Act is no better as out of 202 cases filed, so far only 97 cases have been decided and 105 cases are still pending. While these cases may take several years to be decided, the danger from the defaulting industries which in the meantime continue to discharge polluting effluents or emit air pollutants looms large on the lives of the people in the concerned areas. The Committee in this connection welcome the constitution of special courts to deal exclusively with air and water pollution cases and note that such courts have already been established in Bihar and Gujarat. The Committee would like the Government to go in for such special courts in other States also in case the experience from the Bihar and Gujarat Courts is encouraging.

The Committee would also like to sound a note of caution so far as the establishment of special courts is concerned as there is nothing to deter the defaulting parties to go in for appeals to the higher courts against the decisions of the special courts. The Committee, therefore, would like the Government to examine whether the jurisdiction and powers of the special courts are so defined that the parties could straight go in for appeals against their decisions to the High Courts or Supreme Court. This may result in obviating some delay in the final outcome of the cases.

1.47 The Committee regret to note that under the Air Act with the exception of Tamil Nadu and to some extent Gujarat, no other State seems to have taken adequate action for implementing the standards prescribed by the Central Board as is evident from the number of cases of violation filed under the Air Act. Despite creation of a Special Court in Bihar in 1983, the number of cases filed till 1985 was 6 only. Even in Union Territories for which the Central Board is responsible, the progress in complying with the consent conditions laid down by the Department have been very poor. The positive steps taken by the Central Board for implementing the regulations are not adequate. The Committee expect the Ministry and the Central Board to take note of the situation and initiate appropriate action without further loss of time.

CHAPTER II

ORGANISATIONAL SET-UP.

A. The Central Board for Prevention and Control of Water Pollution

2.1 The Central Board for the Prevention and Control of Water Pollution was constituted in September, 1974 under the Water Act, 1974 that became effective from March 23, 1974. The Board consists of seventeen members nominated by the Central Government. These include a full time Chairman, five officers to represent the Central Government, five persons from among the members of the State Water Pollution Control Boards, three non-officials to represent the interests of agriculture, fisheries, industry, trade or any other interest and two persons to represent the companies or corporations owned, managed or controlled by the Central Government and a full time Member Secretary, qualified in public health engineering and having administrative experience.

2.2 The Committee have been informed that two positions in the Central Board for representation of local authorities were lying vacant; one vacancy had been lying vacant since 6th December, 1985 and the other since 16th February, 1987. Asked why the vacancies had not been filled in, the Ministry has informed that the concerned Member in one case, was transferred to another Department in the State and did not fulfill the criteria prescribed by the Act, and that despite several requests to all the State Governments/State Boards to recommend names for consideration, adequate nominations were not received. Asked to clarify the point relating to non-receipt of adequate nominations, the Ministry has stated that the Ministry invited nominations to fill two vacancies under Sections 3(2)(c) of the Water Act, 1974 on 11-5-1987 from the States of Andhra Pradesh, Bihar, Maharashtra, Orissa, Tamil Nadu, J&K, Himachal Pradesh and Haryana. These States were selected for consideration of nomination on the Central Board as the States of Kerala, Punjab, West Bengal, U.P., Gujarat, Rajasthan, Karnataka and Madhya Pradesh had already been represented on the Central Board during the earlier period. Two nominations were received from Jammu and Kashmir but as these did not fulfil the criteria laid down under Section 3(2)(c) i.e. that the person under this category should represent a local authority and also be a member of the concerned State Pollution Control Board, they could not be considered. As no nominations from the remaining States were received, they were remained on 23-7-1987. In pursuance of the reminders, one nomination

was received from the State of Orissa and one from Haryana. No nominations were received from the States of Andhra Pradesh, Bihar, H.P., Maharashtra and Tamil Nadu. Accordingly the two vacancies were filled by notification dated 18-11-1987 by representatives from Orissa and Haryana.

2.3 The main functions of the Central Board have been identified as :

- (i) promotion of cleanliness of streams and wells in different areas of the States under the Water Act, 1974; and
- (ii) improvement of the quality of air and prevention, control or abatement of air pollution in the country under Air Act, 1981.

2.4 In pursuance of the above functions, the Central Board has undertaken since 1976-77 various studies in collaboration with State Boards and reported the year-wise achievements since its inception as per details given in Annexure I. The progressive position of achievements is summarised as under :—

- (a) The Central Board has laid down, under Section 16(2) of the Water Act, standards for water for different types of use, viz. :
 - (i) type A, for drinking water without treatment but with disinfection;
 - (ii) type B, for bathing and swimming;
 - (iii) type C, for source of raw water for municipal supplies after conventional treatment;
 - (iv) type D, for propagation of wild life, animal husbandry and fisheries; and
 - (v) type E, for agriculture, industrial cooling and washing, hydro power generation and controlling waste water disposal.
- (b) The work of classification and zoning of all the 14 major river basins and preparation of an atlas of maps of the basins was completed;
- (c) To identify pollution sources within the river basins, 170 monitoring stations on the 14 rivers and some of their tributaries for regular monitoring have been established;
- (d) River basin studies have been completed for the rivers Yamuna, Ganga, Damodar, Subarnarekha, Krishna, Brahmani and Sabarmati and studies for the rivers Cauvery and Godavari have been undertaken. As a result of the studies, reports for 4 rivers have since been published.
- (e) The study has revealed that in Class I cities, only 59 per cent. of the total waste water generated is collected through sewerage

and only 37 per cent of the waste water received some form of treatment.

- (f) In 8 Class II towns, out of 190, protected water supply is not available. In Class II towns, only 15.5 per cent of the total waste water is collected through sewerage and 5.4 per cent of the waste water alone receives some sort of treatment.
- (g) The Central Board has identified 24 categories of industries out of which effluent standards (known as Minimal National Standards, MINAS) have been evolved and notified for 18 categories of industries. A total of 4054 industrial units in these 24 categories (1731 in large scale sector and 2323 in medium scale sector) have been identified as relevant to pollution.
- (h) In the area of air pollution control, the surveys and studies were made not only by the Central Board but also other organisations like National Environmental Engineering Research Institute (NEERI), I.I.T., Delhi, Indian Oil Corporation and Indian Institute of Petroleum, Dehradun. Based on these studies, the air quality status has been evaluated for Bombay, Calcutta, Madras, Delhi, Kanpur, Ahmedabad, Hyderabad, Jaipur, Nagpur and Cochin.
- (i) For diesel and petrol driven vehicles, exhaust emission standards have been evolved. For boilers and small scale industries, emission standards and guidelines for stack heights have been formulated. For Delhi, motor vehicle emission surveys have been conducted.

2.5 The following will be the major Action Programmes of Central Board for execution upto 1990 :

1. Expansion of water and air quality monitoring network to 400 and 200 stations respectively.
2. Basin studies of the river Godavari, Mahi, Mahanadi, Brahmaputra, Narmada, Pennar, Tapti and Indus.
3. Setting up of standards for all major air and water polluting industries.
4. Control of vehicular pollution in metropolitan cities.
5. Control of point pollution loads from all major industries and municipalities on the banks of the Ganga and
6. Control of point pollution loads due to industries on the bank of the Yamuna.

2.6 Asked to what extent the Board has been able to fulfil the functions assigned to it, the Committee have been informed during evidence

that the Board is addressing itself to the two primary functions and has formulated a strategy which is based on control of point of sources of pollution. Accordingly, standard for liquid discharges and emissions for major polluting sources are evolved and the polluters are required to comply with the standards as provided in the Water and Air Acts. Simultaneously, the water and air quality are being measured at appropriate locations to determine the stages and improvement.

2.7 Asked whether any shortcomings had been experienced in performing these functions, the Department has informed that the following shortcomings have been experienced :

- (a) Inadequate trained manpower in the State and Central Pollution Control Boards to assess pollution emission/discharge and to evaluate performance of pollution control equipment.
- (b) Insufficient number of pollution control equipment manufacturers.
- (c) Technical problems in retrofitting pollution control devices to existing old plants.
- (d) lack of trained manpower for operation and maintenance of pollution control equipments; and
- (e) lack of adequate fiscal incentives.

2.8 Asked further whether results were commensurate with the expenditure so far incurred in realising these functions, the Department has replied in the affirmation.

2.9 Asked further whether the Central Board had identified the sources of pollution in each State, the Secretary stated that several groups of industries had been identified as major polluters. For example, fertiliser factories, thermal power stations, paper and pulp—a whole series of these industries had been identified, and a list of 4,000 polluting industries as on 1984 had already been published by the Central Board. Similar review is going on and the Board hopes to publish a survey of polluting industries in 1988.

2.10 The Committee have also been informed that there was no problem in implementing the environmental rules in so far as the new industries were concerned as they would not get a letter of intent or its conversion to licence unless they satisfied regarding the pollution control devices. There was problem in case of old industries where the cost of pollution control was going to be large and if the same was insisted upon, the industry would get closed. Citing the example of Indraprastha thermal

power station in Delhi, which is one of the largest polluters, the Secretary stated that pollution control device in the station would cost Rs. 5 to 10 crores as the fitting of pollution control devices in an old industry is technologically difficult and financially non-viable.

2.11 The Committee do not consider that the vacancies in the composition of the Central Board for long periods augur well to its smooth functioning. The Committee, therefore, are firmly of the opinion that vacancies in the Central Board should not be allowed to remain unfilled. The Committee would take this opportunity to caution the Government that while nominating the Chairman/Members of the Central Board, care should be taken to ensure that they are environmentalists of proven standards and ability and have deep knowledge and acumen to understand the problems being faced by the country in the field of prevention and control of pollution and measures that should be taken to counter them. The question of making the Central Board more broad-based, representing various interests, has also to be considered in depth in view of the gigantic proportions that the problem of pollution has acquired over the years.

2.12 The Committee feel unhappy to find that there have been serious shortcomings in the performance of functions assigned to the Central Board for prevention and control of water and air pollution in as much as these shortcomings have affected such basic activities as pollution emission/discharge and operation and maintenance of pollution control equipment. In this connection, the Committee note that even though the Central Board was set up in September, 1974, it commenced reporting its activities only from the year 1976-77. The Committee cannot but regret the lack of initiative or any action by the Board for a period of over 2 years. It is needless to point out that the Central Board is the nodal agency in the prevention and control of water and air pollution. The Committee, therefore, need hardly emphasise that the functioning of the Central Board should be adequately geared up, so as to enable the Board to realise its objectives fully.

2.13 As 85 per cent by volume of the waste is generated from domestic sources, the Committee feel that unless the water supply, sanitation and sewerage facilities are duly taken care of, there can be no solution to the problem of pollution from the domestic sources. In this connection the Committee feel perturbed to learn that even 8 Class II cities do not have protected water supply and only 5.4 per cent out of 15.5 per cent of waste water which alone is collected, is given some sort of treatment. The civil works and maintenance relating to drinking water, sanitation, drainage, etc. being subjects handled by the local authorities for which financial assistance is provided by the State Governments and the Central Government, the Committee suggest that with due regard to check the pollution effectively,

1647 LSS/88—4

the Central Board should coordinate the activities at least for all Class-I and Class-II cities with the State Boards, so that steps could be taken not only to provide the facilities but also to ensure that they are duly maintained regularly on a long term basis. It should also be enjoined upon the State Governments to ensure adequate clean drinking water in the cities, towns and villages under their respective jurisdiction.

2.14 The Committee note that the Central Board has established so far 170 monitoring stations on the 14 major rivers to identify pollution sources within the river basins and has a proposal to establish another 230 Water Monitoring Stations by the end of the 7th Plan. The Committee feel that immediate steps are called for to ensure the progress in achievement of research by the targeted date. It goes without saying that follow up action should be taken immediately on receipt of the findings from the Monitoring Stations.

2.15 The Committee note that the Central Board has been in a position to determine the affluent standards for 24 categories of industries out of which notifications have been issued for 18 categories. Since the State Boards are the implementing authorities of the standards as prescribed, the Committee consider it necessary for the Central Board to play a vital role in coordinating the activities of State Boards so that the achievement so far made in identification of pollutants and prescription of standards do not go waste.

B. State Pollution Control Boards

2.16 In twenty States|Union Territories, there are separate Departments to deal with the subject of environment. Six States have set up independent Departments while others have combined the subject of environment with other subjects such as forests, energy etc. Eighteen States have set up State Pollution Control Boards. The State Departments incharge of environment are expected to promote environmental protection by assessing the environmental impact of development projects, by promoting activities of eco-regeneration, conservation, education, awareness, research and training by managing hazardous substances and by Supervising the pollution control activities of the Boards. The State Boards are expected to prevent and control air and water pollution, apart from discharging the duties past on them by the powers delegated under the Environment (Protection) Act, 1986.

2.17 The main functions of the State Boards (and Central Board, in so far as its functions as State Board for Union Territories are concerned) include monitoring for assessment of air and water qualities, laying down of standards for effluents and emissions for various sources including industries and enforcement of the standards through directives and legal actions. For performance of these functions, the State Boards

have been empowered to collect or call for data from all possible sources, obtain samples of any sewage, trade effluent etc., conduct inspections, prescribe standards of effluent or emission and take action for violation of the prescribed standards, including action for closure of relevant activity of the polluter. Thus whereas the State Boards determine the standards of admissible level of pollutions, the job of executing the various schemes of pollution control rests entirely with the polluter, be it the local authority or the industry.

2.18 As studies by Central Board had revealed that sewerage collection and treatment of waste water, particularly, in class II towns are far from satisfactory, the Ministry was requested to indicate the steps taken in-coordination with State Boards to solve the problem. The Ministry has stated that the State Boards prescribe the standards for effluent so that the local bodies take necessary action to conform to these standards. Having regard to the magnitude of the problem, institution of a revolving fund to strengthen the local authorities for treatment of waste water is stated to be under consideration.

2.19 In regard to the problem faced by industrial pollution, out of the 4054 identified large scale and medium scale units, the State-wise position in regard to installation of effluent treatment plants as in 1984 was as under :—

Sl. No.	State or Union Territory	Large Scale industries		Medium Scale industries		Total of large scale and medium scale industries	
		Total No.	ETP installed or under installation	Total No.	ETP installed or under installation	Total No.	ETP installed or under installation
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	130	66	210	39	340	105
2.	Assam	12	8	8	3	20	11
3.	Bihar	74	21	25	0	99	21
4.	Gujarat	224	212	207	156	431	369
5.	Haryana	60	16	237	33	297	49
6.	Himachal Pradesh	5	5	25	25	30	30
7.	Karnataka	117	111	172	163	289	274
8.	Kerala	63	40	86	27	149	67
9.	Madhya Pradesh	65	27	130	32	195	59
10.	Maharashtra	446	401	364	260	810	651
11.	Orissa	38	36	77	36	115	72
12.	Punjab	60	30	76	22	136	52
13.	Rajasthan	91	38	47	5	138	43

1	2	3	4	5	6	7	8
14. Tamil Nadu		70	34	236	20	306	54
15. Uttar Pradesh		140	61	113	67	263	128
16. West Bengal		98	31	235	20	222	51
17. Chandigarh		2	2	11	3	14	5
18. Delhi		20	15	43	1	63	16
19. Goa		9	5	11	6	20	11
20. Pondicherry		6	6	10	2	16	8
Total		1731	1166	2323	910	4054	2076

2.20 In reply to a question the Ministry has given information on issues of notifications for 7 States as under :

State/Union Terr.	Water Act		Air Act	
	Sec. 26 Notification issued on	Last Date fixed under Sec. 26 not	Sec. 21 not. issued on	Last Date fixed under Sec. 2
Bihar	N.A.	31-5-86	5-6-84	N.A.
Karnataka	24-5-83	31-7-83	3-3-84	31-7-84
Kerala	19-3-81	5-6-81	N.A.	Within 6 months of declaration of air pollution control area
Maharashtra	Notification issued under the old Maharashtra Act 1969. Date not mentioned. Under 26 of Water Act 1974 not yet issued		N.A.	Within 4 months of declaration of air pollution control area
Madhya Pradesh	3-7-87	15-8-87	N.A.	N.A.
Meghalaya	Pending with State Govt.		Being processed	
Uttar Pradesh	N.A.	31-12-81	N.A.	25-12-83

(The information in respect of other states is stated to be not available).

2.21 The break-up in regard to actual installation of ETPs was as under :—

ETPs in Commission	1314
ETPs under installation	762

In these 762 units, the installation and commissioning of ETPs are expected by 1990. The State Boards and the Central Board are reported to be persuading the industries to see that the remaining 1978 units also take steps for installing ETPs by 1990. Legal action is also being initiated against defaulting industries depending on the seriousness of the case.

2.22 As the information furnished above related to 1984, the Ministry was asked to give latest position. The Ministry has stated that the inventory is being updated and is expected to be completed by September, 1988.

2.23 In regard to some of the industries for which the emission regulations have been prescribed and notified, the Ministry gave the following position in regard to compliance of the prescribed standards.

Sl. No.	Nature of industry	Total no. of industries	No. of units complying with MINAS fully	No. complying with MINAS partially	No. executing ETP Schemes	No. with no ETP Schemes
1.	Petroleum	89	20	16		...
2.	Pulp and Paper Industry (Small)	258	24	117	25	92
3.	Integrated Iron Steel Industries	6	...	...		...
4.	Man-made fibre Synthetic	20	6	4		6
		(Data given for 16 only)				
5.	Semi-Synthetic	14	2	5		3
		(Data given for 10 only)				
6.	Cement Plants	102	43	...	...	46
		(data given for 93 only) (+4 not in production line)				

2.24 In regard to consents, the Ministry could give information only on consents issued in some of the States. The information as furnished is as under :—

Sl. No.	Name of the State Boards	No. of consents issued	
		Under Water Act	Under Air Act
1.	Madhya Pradesh	1454	807
2.	Kerala	455	51
3.	Punjab	1522	64
4.	Himachal Pradesh	128	136
5.	Maharashtra	17019	4722
6.	Gujarat	3505	1222
7.	Karnataka	436	289
8.	Haryana	205	11
9.	Andhra Pradesh	280	122
10.	Bihar	188	5
11.	Orissa	105*	...
12.	Central Board	846	86

*Combined figures for Water and Air Acts.

2.25 The Committee regret to note that out of 20 States in which 4054 identified polluting industries are functioning, progress in providing ETPs has been achieved only in the States of Karnataka (95 per cent), Gujarat (86 per cent), and Maharashtra (80 per cent), whereas, States like, Andhra Pradesh, Bihar, Haryana, Kerala, Madhya Pradesh, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal etc. are considerably backward in initiating steps for provision of ETPs. The Committee regret to note that even in the capital of India, i.e., Delhi, out of 63 Units which contribute to pollution, ETP has been installed or under installation only for 16 industries. The Committee also note with anguish that though for some of the major industries like petroleum, iron, pulp and paper, etc. regulations have been prescribed and notified years back, ETP schemes have not been so far executed and the Central Board is also not aware of the progress made in several industries. Unless the emission regulations as prescribed are notified and adopted, the Committee feel that the very objective of prescribing the regulations stands totally nullified. In particular the Committee find that none of the steel industries (all functioning under SAIL) have taken steps for implementing emission regulations. The Committee recommend that in respect of all industries in the public sector, the compliance of the emission regulations may be got ensured in coordination with the respective Ministries. Installation of ETP may not serve the purpose, unless it is ensured that ETPs are kept in operational State and worked regularly. The Committee, therefore, recommend that a mechanism should be devised to ensure proper functioning of these plants.

C. Coordination between Central and State Boards

2.26 The Committee have been informed that the coordination activities of the Central Board with State Boards comprise of many areas. Some of the specific important coordinated activities are as follows :—

- (i) Preparation of comprehensive industry documents showing pollution status of different polluting industries in the States.
- (ii) Developing minimimal national standards for effluents.
- (iii) Implementation of standards with the help of task forces constituted at regional level as well as national level.
- (iv) Maintenance and working of the National Water Quality Monitoring Stations situated in the States.
- (v) River basin studies.
- (vi) Maintenance and working of the National Air Quality Monitoring Stations situated in the States; and
- (vii) Compilation of data, preparation of reports, development of strategies for pollution control and environmental management by the Central Board with the help of the State Boards.

2.27 For purposes of coordination, quarterly meetings of the Chairman and Member-Secretaries of the State Boards are organised by the Central Board and so far 23 such meetings have been held.

2.28 The Central Board also gives guidance and assistance to the State Boards for the implementation of various provisions of the Acts and also in launching prosecution against defaulting persons, industries and local bodies.

2.29 The Committee have been informed that in spite of various measures undertaken to coordinate the activities of the State Boards by the Central Board, certain deficiencies are being experienced in this regard. First, the effectiveness of a State Board depends to a great extent on the policy and guidance of the State Government concerned and there have been variations from State to State in this regard. Secondly, for effective collaboration/coordination of activities, the laboratory set up at the Central level and State level should match so that the test results etc. match. Also some of the applied research projects and studies pertaining to a particular region could not be assigned to the respective State Boards by the Central Board, as the State Boards are not adequately equipped. Thirdly, The State Boards do not have any electronic/computer data storage and retrieval systems. This handicaps the coordination between the State Boards and Central Board.

2.30 To overcome these problems, the Central Board is preparing a project for financial assistance to all the State Boards for development of computer facilities and training of manpower. The Central Board has also taken steps to render assistance for equipments and adequate manpower.

2.31 Asked how the Ministry proposed to overcome these shortcomings affecting in proper coordination of activities of the State Boards, the Committee have been informed that the State Environment Protection Councils which have been constituted in different States have representations from State Government, Central Government and technical experts to oversee the environmental protection measures within the State. These Councils help promote better understanding of the issues concerning environmental protection at the State level. The Central Government ensures that the national priorities are conveyed to the State level officers. Secondly, the Ministry of Environment and Forests organises an annual conference of State Environment Secretaries/Chairman of State Pollution Control Boards Conference to exchange views and experiences, among other things, on the functioning of various State Pollution control Boards to achieve coordination among different States. This discusses issues related to manpower and financial requirements, laboratory facilities development, procedures

for information collection, storage and retrieval. These discussions help in promoting better understanding of the issues at the state level.

2.32 The Ministry was asked to intimate whether for purposes of coordination, review of utilisation of funds, etc., the State Boards are required to send copies of accounts, reports, returns, etc. regularly and whether any mechanism existed with the Central Board to study and analyse them. The Ministry has stated that only some of the States are sending minutes of meeting relating to Air Act, 1981, details of water cess collected and credited and that no statutory provision exists requiring the State Boards to submit the returns. The State Boards do not also report the physical and financial shortfalls to the Central Board as their financial and administrative control rested with the respective State Governments. In respect of specific assistance given by the Central Board, the State Boards send necessary utilisation certificates to the Central Board. The Central Board has since constituted in June, 1987 a special cell to study and analyse information received from the State Boards.

2.33 The Committee consider that there is an imperative need for very close liaison and coordination between the Central and State Pollution Boards as, according to Ministry's own admission, most of the State Boards are deficient and ill-equipped to combat the air and water pollution menace which has since engulfed the whole country. While agreeing that there may be variations from State to State for implementing various plans and schemes for combating this evil with due regard to local conditions, the Committee, nevertheless, feel that there should be consensus on the overall approach in this regard. In Committee's opinion the collection of data and processing it on scientific footing—are the first basic needs in this direction. The Central Government may like to initiate modern methods of collection and processing of data by computerising the whole process in phases. It is also needless to emphasise that there should be regular exchange of data between the Central Board and State Boards so that they are able to keep themselves abreast of the problems cropping up from day to day and find solutions for the same. Such data, when received from the State Boards, should be carefully analysed by the Central Board and loopholes plugged wherever necessary.

2.34 The Committee note that regular conferences are held between the functionaries of Central Board and the State Boards for exchange of views and chalking out a common strategy to help solve the problem. The Committee, however, feel that such conferences are of little use unless follow-up action is initiated on the outcome of such conferences in right earnest. The Committee recommend that suitable methodology and machinery should be evolved to implement the decisions taken at such conferences.

D. Manpower requirements

2.35 The Central and the State Boards which were set up under the Water Act were also entrusted with the responsibility of carrying out the functions under the Air Act. Though the activities of the Central and State Boards thus expanded, the strength of the technical personnel to shoulder the additional workload was not augmented to the required extent. One of the reasons for the inadequate manpower has been the lack of norms to assess the requirements of manpower for undertaking various activities of the Boards.

2.36 Recently, the Central Board prepared a plan for reorganisation of the Board in terms of its objectives and, inter alia, the personnel required. The Ministry has sanctioned the plan of the reorganisation. For assisting the State Boards to have a proper plan regarding technical and managerial personnel, the Ministry has devised certain norms.

2.37 The assessment of requirements of manpower for State Boards, on the basis of the prescribed norms has revealed that in 11 States, there has been shortfall in availability as per particulars below :—

Name of State	Assessed need of manpower	Existing Manpower	Extent of shortfall	Addition requested by State Board
1. Andhra Pradesh . . .	86	29	57	78
2. Bihar . . .	72	30	42	96
3. Haryana . . .	77	35	42	39
4. Karnataka . . .	74	21	53	32
5. Kerala . . .	58	50	8	115
6. Madhya Pradesh . . .	70	29	41	14
7. Maharashtra . . .	369	84	85	272
8. Orissa . . .	24	10	14	9
9. Rajasthan . . .	79	17	62	23
10. Tamil Nadu . . .	95	43	52	15
11. Uttar Pradesh . . .	145	97	48	85
Total . . .	949	445	504	778

2.38 In the following States, the existing strength of technical manpower has been in excess of the assessed needs and still the States have requested for additional staff, as per particulars below :—

Name of State	Assessed need of manpower	Existing Manpower	Extent of shortfall	Addition requested by State Board
1. Assam.	11	18	..	97
2. Gujarat	88	102	..	112
3. Himachal Pradesh	12	20	..	53
4. Punjab	18	42	..	117

The position in respect of remaining States has been as under :—

1. Meghalaya	not estimated	1	not estimated	5
2. West Bengal	187 not available	not estimated	not available	

2.39 According to the Ministry, the programme for assistance is in final stage and as soon as it is finalised, 100 per cent assistance will be provided to the State Boards to augment the manpower. The recruitment to the posts will be made by the respective State Board as per norms and guidelines of the respective States.

2.40 The Committee have been informed that based on norms devised by the Central Board, the assessment of requirement of manpower has been made by various States. Notwithstanding this position, the Committee are amazed to find that the demands made by the States are substantially in excess of the manpower as assessed by the Central Board and it is equally surprising to the Committee that even in States where the existing staff is far in excess of the assessed requirements, the State Boards concerned have come forth with request for substantial additional staff. The Committee recommend that pending a review of proposals, reasonable and timely assistance on the needs of the State Boards will go a long way in implementation of pollution control measures and hence recommend that in those areas, where the shortfall has been assessed by the Central Board may be provided without delay, to make up the shortage.

E. Training Programme

2.41 The Pollution Control being comparatively of recent origin in the country, the Ministry has experienced shortage of trained technical/scientific experts working in the interface areas of different disciplines. Between 1976 and 1987, 41 training courses were sponsored/offered by the Central Board and these training courses were conducted in various educational

institutions on varying subjects. The cost of conducting the training courses is borne by the Central Board; this includes cost of faculty, course material, refreshment and other incidental costs. The costs on travel, boarding and lodging are borne by the respective organisations deputing the participants. The duration of training courses varies from 1 week to 3 weeks. In these training courses 569 personnel were trained upto 1987 of which 64 were sponsored by the Central Board, 410 by the State Boards and 95 by the industries (including local bodies and universities).

2.42 No study has, however, been carried out about the subsequent jobs assigned to the personnel trained under these programmes. As the sponsored personnel are all employees of the respective sponsoring organisations working in the relevant areas, the Ministry expected that after training they continued to work in the respective fields.

2.43 The Committee note that as against the existing man-power strength of about 700 persons in the various State Boards, training has so far been imparted to only 410 personnels. If the dropout from the State Boards after the training are duly taken note of, the number of persons that are yet to be trained would be considerable. The Committee expect that suitable steps would be taken to give adequate training to all the personnels by a time-bound programme.

2.44 The Committee regret that no assessment of the subsequent jobs, entrusted to the trained personnel have been conducted. Considering the extent of expenditure incurred on the training, the Committee feel that trainees should be utilised for the purpose for which they are trained for a prescribed number of years and for this purpose, if necessary, the feasibility of undertaking bonds from the trainees may be considered.

2.45 The Committee also recommend that a system of periodical refresher courses on the latest trends on pollution control management of specified industries may be considered for the benefit of the technical staff of the State Boards and Central Board.

F. Equipment and Laboratory facilities in State Boards

2.46 The laboratories of the Central and State Pollution Control Boards are presently not fully equipped with the latest equipment for carrying out the monitoring, research and assessment work. The facilities available are only for routine measurement and laboratories are not equipped with advanced analytical instruments to analyse parameters like gaseous emissions at source, radio activity etc. Also the capabilities of the laboratories remain limited to analyse only a few samples per day.

2.47 During the Sixth Plan, the Central Board requested for a provision of Rs. 222.00 lakhs for this purpose and another Rs. 41.52 lakhs for laboratory development. The actual allocation was Rs. 64.10 lakhs and

the actual utilisation was Rs. 76.39 lakhs and no assistance was rendered to State Boards.

2.48 The Ministry has since evolved certain standards, like standard sets of equipment and proposes to give assistance in Seventh Plan to the State Boards for this purpose and also for setting up laboratories.

2.49 State Boards have approached the Ministry for assistance to the extent of Rs. 15.28 crores for providing additional equipment and laboratory facilities. Against this demand, the Central Government has agreed to render assistance to the extent of Rs. 1.57 crores only and assistance to the extent of Rs. 49.48 lakhs have been released in the Seventh Plan upto August, 1987. The State-wise position in this regard is given below :

S. No.	Board	Assistance* sought	Assistance** sanctioned	Amount Disbursed
				(Rs. in lakhs)
1.	Andhra Pradesh	43.80	12.98	3.02
2.	Assam	25.00	10.56	0.75
3.	Bihar	104.00	10.62	3.20
4.	Gujarat	137.04	14.13	3.33
5.	Haryana	105.00	8.20	1.82
6.	Himachal Pradesh	8.27	5.59	1.59
7.	Karnataka	52.52	10.16	2.43
8.	Kerala	28.05	1.50	1.50
9.	Madhya Pradesh	166.24	8.69	3.37
10.	Maharashtra	168.00	6.40	3.19
11.	Meghalaya	44.75	9.38	3.86
12.	Orissa	83.34	16.93	3.40
13.	Punjab	110.86	6.55	3.05
14.	Rajasthan	106.22	12.49	5.90
15.	Tamil Nadu	178.70	11.80	5.03
16.	Uttar Pradesh	166.40	10.67	4.07
Total		1528.19	157.15	49.48

*Includes Building, Mobile laboratory, Air Conditioner, Generator.

**Only identified equipment and instruments.

2.50 Noting that there was great disparity between the assistance sought and assistance sanctioned the Committee desired to know during evidence that if assistance sanctioned was only 30/40 per cent of the assistance sought what amount of environment protection was expected from the State Boards, the Secretary explained :—

“Against a demand of Rs. 15 crores we were able to sanction Rs. 1.5 crores. This is because a large portion of this Rs. 15 crores was meant for buildings and vehicles. We have asked

the States not to ask us for buildings and vehicles. If you want laboratory, technical equipment and technical staff we are there but do not come to us for buildings, vehicles and clerical staff.

The States have another problem. They have been asking us, you will give us assistance upto the end of the current plan. Will you assure that this assistance will continue in the next plan ? I have said hopefully this assistance will continue but what final decision is taken depends on the National Development Council. So, this is the reason why development is slow."

2.51 Asked whether the State Boards had been told that if they utilised the grants according to the norms only then they would get further grants, the Secretary has replied :—

"I have told them so. I have mentioned in writing. The Planning Commission is in agreement."

2.52 Asked whether demands of the State Boards for technical staff were met 100 per cent, the Secretary has submitted :—

"We give them 100% grant. I am willing to go to Planning Commission to get funds for this purpose."

2.53 As the State Pollution Control Boards have a separate Budget and the Central Board gave them assistance only for technical staff, laboratories, etc. the Committee enquired what made them to seek assistance for generator, air-conditioner, etc. The witness has clarified :—

"The primary cause, I would say, is that the State Pollution Control Boards are really short of financial resources. If I may explain, the Parliament has passed the law to collect the water cess. It goes to the State Finance Secretary, but doesn't come to the State Board. We have extensive examples where the money is routed through the State Government but it doesn't reach the State Pollution Control Board at all. It is kept back by the State Government. We have decided from this year that we will not route it through the State Government but we will directly give to the Boards. From this year, the money is being paid directly to the State Boards.

Sometimes, of course, they think if Government of India is in a generous mood, why not use for car or room air-conditioner ? We have to tell them that do not use for cars or air-conditioners but buy laboratories, instruments, have more scientists and give them better scales of pay."

2.54 The Committee note that during the Sixth Five Year Plan the Central Board had proposed funds to the extent of Rs. 2.6 crores not only for development of Central laboratory facilities but also up-grading the State Board Laboratories. However, the actual expenditure was only Rs. 0.76 crores. In view of the fact that the utilisation of funds has been so poor during the 6th Plan, the Committee find it difficult to understand the logic behind inordinate delays that have taken place in providing laboratory facilities, etc. to the State Boards for all these years. The Committee therefore need hardly emphasise that the pollution control can become a reality only if and when the State Boards which are the agencies to implement the Acts by direct action, are suitably equipped to do so. The Committee therefore recommend that provision of assistance to the State Boards can brook no further delay and would need to be provided immediately. Apart from providing financial assistance, the Central Board should oversee the manner in which the funds are utilised by the State Boards so as to ensure reasonable coordination on the achievements made in the States.

CHAPTER III

FINANCIAL PROVISIONS

A. Financial Allocations of the Ministry of Environment and Forests

3.1 The Department of Environment, which came into existence on 1st November 1980, has been entrusted with the administrative responsibility relating to not only pollution control, but also matters relating to environmental protection and eco-development in the country. It presents one budget demand for grants for all its activities. From the estimates, so presented and approved, the following position is noticed for Plan and Non-Plan expenditures for the four years 1983-84 to 1986-87 :—

- (i) The non-plan expenditure has been consistently underestimated in each of the years as per particulars below :

(Rs. in lakhs)

Year	Original	Revised	Actuals	% age of under estimation
1983-84	500.52	556.39	550.07	10%
1984-85	518.35	562.61	560.05	8%
1985-86	645.89	609.77	732.15	13%
1986-87	822.57	899.67	946.55	15%

- (ii) The Plan expenditure has been overestimated in each of the years and during last 2 years, original, provision has been overestimated by only 50 per cent, as compared to actuals as per particulars below :

(Rs. in lakhs)

Year	Original	Revised	Actuals	%age of under estimation
1983-84	1363.50	1440.40	1380.70	4%
1984-85	1700.30	1531.30	1296.29	24%
1985-86	3405.00	2985.50	2242.89	34%
1986-87	7388.00	4700.62	4718.40	36%

3.2 For each of the 4 years, the Ministry has attributed the additional expenditure under non-Plan to grant of dearness allowance, interim relief,

increase in salary as per Fourth Pay Commission's recommendations to the employees, etc. and has stated that the additional expenditure was not anticipated at the time of framing budget estimates, as the changes in these rates depended on cost of living index. The savings to a substantial extent under Plan grants, were attributed to non-availability of appropriate projects and delayed responses/concurrences from the States. The Ministry has added that efforts are being made to ensure that the responses from the States and various project authorities are obtained without much delay so that such shortfalls may be avoided.

3.3 Enquired about the major cause for non-spending, the Secretary has stated during evidence that :

"The only major cause is in respect of Ganga. The project preparedness was not in commensurate with the money which was obtained from the Parliament."

He further added :

"Can I give an example to prove this ? For example we want to start a project, we have to get the concurrence of the State Government concerned. The project is spread out in 13 different States. Now, the position is that we have concurrence only from 3 States. We have to try very hard to get the State Government's concurrence. This is happening especially with the new projects. Wherever a major reorganisation is effected there is a temporary dislocation."

3.4 Asked whether it was a regular feature, the witness assured that it would not be a regular feature.

3.5 Asked further what steps the Ministry proposed to take to ensure that in future the estimates were more or less according to their operations, the witness has replied :—

"A considerable degree of detailed project scrutiny is necessary. When we go to the Parliament for the funds without a proper scrutiny of the project, we are going to make mistakes. Not only my Department but probably every department will make that kind of mistake. So, the simple answer is that no project should be allowed to make substantial drive until and unless there is a satisfactory scrutiny. And also the project preparedness should be in commensurate with the money sanctioned."

3.6 In respect of 6 schemes in 1983-84, 5 schemes in 1984-85, 11 schemes in 1985-86 and 4 schemes in 1986-87, provisions were made both

in original and revised estimates but no expenditure was incurred vide details below :—

(Rs. in lakhs)

Year	No. of Schemes	Amount provided		
		Budget Estimates	Revised Estimates	Actuals
1983-84	6	74.00	56.00	Nil
1984-85	5	71.00	24.00	Nil
1985-86	11	335.00	212.50	Nil
1986-87	4	85.00	63.00	Nil

3.7 The above list included provisions for at least 2 years in certain cases without any utilisation vide scheme particulars as given below :

Biosphere Reserves : Provisions made in 1983-84, 1984-85 & 1985-86.

National Botanical Gardens : Provisions made in 1985-86 & 1986-87.

Environment Management Institute—1983-84 and 1984-85.

Captive Breeding of endangered species of Plants—1985-86 and 1986-87.

Himalayan Institute of Environment and Development—1985-86 & 1986-87.

Grants in aid professional societies and Institutions—1985-86 & 1986-87.

3.8 In respect of schemes relating to water and air pollution, the data furnished by the Ministry, gave the following position for the four years 1983-84 to 1986-87 under Plan programme :

	Original estimate	Revised estimate	Actual
(in lakhs of rupees)			
Central Board for prevention and control of Water Pollution	645.00	638.58	582.00
Collection of Water Cess Payment to States	1033.70	1390.00	1535.54
Collection of Water Cess-Payment to Union Territory Govts.	160.00	175.00	83.00
Central Water and Air Laboratory	24.00	15.00	2.67
Waste Recycling Scheme	25.00	11.00	3.00
Prevention of Coastal Pollution	70.00	63.50	20.00
Setting up of Air Pollution Control Boards in States	2.00	1.00	..
Hazardous Substances	5.00	1.00	..
Funding Pollutionally Relevant Schemes	35.00	35.00	25.00
Environmental Pollution Control Cell	6.60	5.48	2.95
Total	2056.30	2335.50	2754.16

(Year-wise details are given in Annexure 3.).

3.9 The Committee consider it unfortunate that under-estimation of non-plan expenditure and over-estimation of plan expenditure is a regular feature with the Ministry. The reasons advanced by the Ministry for this phenomenon are totally unconvincing. So far as non-plan expenditure is concerned, the Committee do not understand why the expenditure on additional dearness allowance and implementation of the recommendations of the Fourth Pay Commission could not be anticipated in advance and provisions made accordingly. So far as plan-expenditure is concerned, it is really shocking that in the case of very large number of schemes, funds have been provided year after year without a single rupee having been spent thereon. In the case of some other schemes, the expenditure has been much less as compared to the provisions made for the same. The Committee need hardly stress that funds once provided in the budget should not be allowed to be frittered away and every effort should be made to utilise the funds gainfully as any delay in execution of schemes will only lead to cost escalation. The Committee would also emphasise upon the desirability of imposing financial discipline while preparing the budget and it should be ensured that it is on realistic basis. The Committee would also like the Ministry to identify the causes which lead to huge shortfall in the expenditure incurred on the implementation of various plan schemes and take necessary corrective measures wherever necessary.

B. Financial Allocations of Central Board

3.10 The Central Board is fully financed by the Government of India for meeting its expenditure on execution of its schemes. Table below indicates the provisions made for five identified schemes by the Central Board in its annual budget, extent of funds allocated by Government and expenditure incurred by the Board during the Sixth Plan period (1980-81 to 1984-85).

Scheme	rupees in lakhs)		
	Plan	Annual Allocation	Actual
1. Laboratory & Development	263.52	64.10	76.39
2. National Water Quality Monitoring	232.05	72.49	71.02
3. River Basin studies classification and zoning of rivers	88.47	47.10	38.09
4. Research Activities	23.61	22.46	8.86
5. Air Pollution Control	34.15	53.35	78.51
Total	641.80	259.50	272.87

3.11 Asked to state the reasons for low annual allocations as against the Plan outlay proposed by the Board, the Ministry has stated that against the outlay proposed by the Board for each of the activities undertaken by it,

the allocation has been decided on a year to year basis, taking into consideration the progress during the previous year and projection made in the annual plan.

3.12 During the first two years of the Seventh Plan the Central Board received financial assistance to the extent of Rs. 200.38 lakhs in 1985-86 and Rs. 252.00 lakhs in 1986-87.

3.13 The annual accounts of the Central Board, as prepared, certified and placed before the Board indicated the various transactions under normal commercially adopted heads of account, such as pay and allowances, expenditure on fixed assets, other assets, maintenance and repairs, law charges, miscellaneous etc. but failed to indicate expenditure actually incurred on each scheme so as to facilitate study of projections of physical and financial targets *vis-a-vis* achievements. The Ministry has stated that the Central Board undertakes costing of expenditure on schemes based upon the unit costs as assessed by it with reference to the tasks involved in the scheme.

3.14 As the Central Board is fully financed by assistance from Government, the Ministry was asked to state whether it was not necessary for the annual audit of the Central Board to be conducted by the Comptroller and Auditor General of India. The Ministry has stated that in accordance with Section 40 of the Water Act, the accounts are audited by an auditor qualified to act an auditor under the Companies Act, 1956 and that the auditor is appointed in consultation with the Comptroller and Auditor General of India, as provided in clause (3) of Section 40 of the Water Act.

3.15 The Committee are surprised to find that the Central Board has been preparing budget estimates for amounts substantially in excess of the actual allocation, notwithstanding the fact that the Central Board must be aware of the plan outlay in each of the plans. The Committee note in this connection that the Central Board prepared a budget for Rs. 641.30 lakhs for the Sixth Five Year Plan, whereas the outlay provided by Government and released to the Central Board was to the extent of Rs. 259.50 lakhs only. The Committee, therefore, do not understand the logic behind the preparation of estimates which have no relation to the plan targets. While there may be no objection for the Central Board to keep in reserve schemes which can be taken up for consideration if additional funds could be tapped, the Committee find no justification for inclusion of such schemes in the outlay itself when they have not been cleared for inclusion in the Plan programme. The Committee, therefore, would urge that close co-ordination between the Ministry and the Central Board should be strived at, not only for the preparation of budget on a realistic basis but also for implementation of schemes for which funds have been allocated,

3.16 The Committee would also like the Ministry to examine whether the form of accounts should be so prepared so as to indicate expenditure actually incurred on each scheme in order to facilitate study of projections of physical and financial targets vis a vis achievements. It has also to be examined whether the auditing of accounts by the auditor as provided in the Water Act is adequate or needs any change.

C. Seventh Plan Outlay

3.17 During the Seventh Plan, a total outlay of Rs. 427.91 crores has been provided for environment and the distribution thereof is as under :

Central Sector	Rs. 350.00 crores
State Sector	Rs. 75.71 crores
Union Territories	Rs. 2.20 crores
Total	Rs. 427.91 crores

Out of the Central outlay of Rs. 350 crores, Rs. 240 crores have been earmarked for Ganga Action Plan and out of the balance of Rs. 110 crores, allocation of funds for schemes relating to water and air pollution has been as under :

(a) Assistance to Central Board	Rs. 800 lakhs
(b) Central Water Laboratory waste recycling programme, prevention of coastal pollution and funding pollutionally relevant schemes	Rs. 390 lakhs
(c) Collection of cess under the Water Cess Act, 1977 for augmenting resources of Central and State Pollution Control Boards by reimbursement	Rs. 1000 lakhs
Total	Rs. 2190 lakhs

3.18 As against the above allocations, the budget provision and actuals for the first two years (1985-86 and 1986-87) have been as under :—

	(Rs. in lakhs)		
	Original estimates	Revised estimates	Actuals
(a) Assistance to Central Board	350.00	333.58	277.00
(b) Central schemes	155.00	125.38	51.14
(c) Collection and payment of cess	670.00	803.00	948.00
(d) Assistance to Union Territories	100.00	100.00	33.00

3.19 The Committee note that as against the total provision of Rs. 427.91 crores for the Seventh Plan, the allocation of funds for pollution control, excluding the allocation for Ganga Action Plan, is to the extent of Rs. 21.90 crores only, including an amount of Rs. 10 crores on account of cess to be collected and distributed to the States. The Committee are, however, surprised to find that in the first two years of the Seventh Plan itself, the collection and disbursement of cess has already reached a level of Rs. 9.48 crores. It is, therefore, apparent that there has been a substantial under-estimation of account of collection of cess as earmarked in the Plan outlay. The Committee also find that apart from the achievement made relating to cess, the achievement in all other spheres has failed to keep pace with the provisions made in the Seventh Plan. In particular, the achievements under directly controlled central schemes and the assistance to Union Territories are very low. The Committee are, therefore, perturbed to observe that on the one hand the Seventh Plan Outlay itself is meagre as compared to the enormity of the problem and on the other there have been huge shortfalls in the utilisation of even these meagre funds. The inadequacy in the planning and budgetary control is, therefore, self-evident from these details made available to the Committee. The Committee would, therefore, recommend that an immediate fresh look on the planning process as also the execution of schemes and the financial control exercised by the Integrated Financial Organisation of the Ministry are called for.

D. Water Cess

3.20 Under the Water (Prevention and Control of Pollution) Cess Act, 1977 the State Governments have been authorised to collect cess on water consumed, for the purpose of Water Act and Utilisation thereunder. The Act came into force from 1st April, 1978.

According to the Act :

- (a) The Act applies to all the States to which the Water Act applies and Union Territories (except Jammu and Kashmir);
- (b) The Cess is payable by every person carrying on any specified industry and every local authority at rates prescribed by central Government but not exceeding the rates prescribed in the Act;
- (c) The cess is to be collected by officers/authorities, as specified by the State Governments by notification in the Official Gazette and credited to the Consolidated Fund of India;
- (d) Subject to vote of Parliament, after deducting the cost of collection, Central Government may pay to the Central Board and State Boards out of the proceeds such sums as it deems

fit, with due regard to the amount of cess collected by respective Governments, for being utilised under the Water Act.

3.21 The basis for the distribution of the proceeds from the cess to the Water Pollution Control Boards and the principles to be followed in the matter of re-imbursement of the cost of collection of cess to the State Governments were decided by the Ministry of Works & Housing and the following formula has been adopted with effect from the date Cess Act came into force i.e. on 1st April, 1978.

- | | |
|--|--|
| 1. Cost of collection of Cess to be payable to the collecting authority | 7½% of gross proceeds. |
| 2. Share of various State Boards and Central Board to be released in instalment according to actual need and requirements | 80% of the net proceeds (i.e. gross proceeds minus cost of collection) |
| 3. Incentive to the collecting authority (i.e. the State Governments for prompt collection and payment) | 2½% of the net proceeds. |
| 4. Amount to be retained by the Central Government for distribution among Central Board and State Boards as discretionary grants for specific works/projects of inter-State importance | 17½% of the net proceeds. |

3.22 Asked why there was no collection of cess in some States, the Ministry has stated that after, promulgation of the Water (Prevention and Control of Pollution) Cess Act, 1977 the States which had adopted the Water Act, were required to collect cess and deposit the same in the Consolidated Fund of India. In effect the cess collections began from the year 1981-82. States like Maharashtra and Tamil Nadu started cess collections from the year 1983-84 and 1984-85 respectively as these States adopted the Water Act only during 1982. West Bengal, though one of twelve States which had passed enabling resolutions under Article 252(1) authorising Parliament to pass legislation relating to Water Pollution started cess collections only during 1983-84.

3.23 In Orissa, the State Government has authorised the Board to collect cess only in 1987. Assam did not make any efforts to collect cess till 1985-86. Meghalaya has not yet started collecting cess as the State Government has come up only recently.

3.24 On the extent of arrears in collection of cess, the Committee have been informed that the respective States keep an account of the arrear in cess collection and deal with the defaulters in accordance with the provisions of the Act; the arrear figures are not maintained/collected by the Central Government. Asked whether it is necessary for Central Government to control and watch recovery of cess since cess is a revenue of Central Government, the Committee have been informed that the respective State Governments are required to control and watch recovery of

cess. According to the Ministry, since the cess collection is credited to the Consolidated Fund of India for reimbursement to the States, it is treated as a receipt (which is reimbursed) and hence is not treated as revenue.

3.25 The Secretary of the Ministry informed the Committee during evidence that the money collected under the Cess Act was hitherto redistributed to the State Boards through the State Board but did not reach some of the Boards in time. In the circumstances, it has now been decided to send the money direct to the State Boards.

3.26 The total cess collected during the Sixth Plan was Rs. 11.49 crores and the total cess reimbursed during the Sixth Plan was Rs. 9.70 crores. The Statewise position on collection and reimbursement for the Sixth Plan was as under. The total collection so far since the Water Cess Act was passed has amounted to Rs. 22 crores.

3.27 The Committee note that some States have not been collecting water cess as required under the Act. The cases of West Bengal and Assam are particularly conspicuous as these were two of the twelve States which had passed enabling resolutions under Article 252(1) of the Constitution authorising Parliament to pass legislation relating to Water Pollution but surprisingly started collecting cess only during 1983-84 and 1985-86 respectively. The Committee urge the Ministry to impress upon all the States to collect the water cess regularly as the money thus collected is intended to augment the resources to control pollution in their areas.

3.28 The Committee appreciate that the money collected under the Water Cess Act, which was hitherto passed on to the States Pollution Boards through the State Governments, would now be sent to the State Boards directly.

3.29 The Committee also note that 17-1/2 per cent of the net proceeds of the Water Cess are retained by the Central Government for distribution among Central Board and State Boards as discretionary grants for specific works/projects of inter-state importance. The Committee hope that due care would be taken before releasing these grants so as to ensure that they are given only for the works/projects on the basis of inter se priority.

3.30 Since cess money is required to be credited to the Consolidated Fund of India, the Committee feel that the Central Government has to perform certain watchdog functions in this behalf, notwithstanding the fact that collections are made by the States on behalf of the Central Government. The Committee, therefore, suggest that the position in this regard may be reviewed in consultation with Ministry of Finance. The Committee also recommend that in the annual reports of the Ministry and the Central Board, the overall position on collection of cess and arrears may be reflected.

Sl. No.	Name of State	1980-81		1981-82		1982-83		1983-84		1984-85	
		Collected	Reim- bursed	Collected	Reim- bursed	Collected	Reim- bursed	Collected	Reim- bursed	Collected	Reim- bursed
1	2	3	4	5	6	7	8	9	10	11	12
1.	Assam	—	—	—	—	—	—	—	—	(Rupees in lakhs)	
2.	Andhra Pradesh	—	—	—	—	25.90	21.70	24.69	20.69	12.04	10.09
3.	Bihar	—	—	17.66	14.80	—	—	35.90	30.09	22.28	18.67
4.	Gujarat	—	—	12.14	10.18	32.44	27.19	40.31	33.78	33.41	28.07
5.	Himachal Pradesh	—	—	—	—	0.44	0.37	2.97	2.49	1.59	1.34
6.	Haryana	—	3.10	16.91	14.18	14.29	11.99	11.41	14.59	22.48	18.84
7.	Kerala	—	4.00	4.59	3.85	9.12	7.64	4.04	3.38	6.79	5.69
8.	Karnataka	—	—	33.72	28.26	0.79	1.43	59.16	49.58	21.28	17.83
9.	Madhya Pradesh	—	—	15.89	13.31	22.83	1.13	48.13	40.34	41.60	34.87
10.	Maharashtra	—	—	—	—	—	—	3.39	2.84	60.45	50.68
11.	Punjab	—	—	9.30	7.80	1.85	1.54	35.01	29.34	22.99	19.23
12.	Rajasthan	—	—	2.52	2.11	2.20	1.84	11.65	9.76	20.60	17.27
13.	Tamil Nadu	—	—	—	—	—	—	—	—	20.73	23.24
14.	Uttar Pradesh	—	—	5.54	4.64	11.91	9.99	32.81	27.05	27.85	23.34
15.	West Bengal	—	—	—	—	—	—	1.64	1.38	14.59	12.23

B. Incentives for Pollution Control

3.31 It was represented to the Committee that with a view to providing incentive for pollution control, the following concessions may be given to the industry :—

- (i) Concession on sales tax on Pollution control equipment.
- (ii) Exemption from duty for importing of materials for equipment required for pollution control.
- (iii) Exemption of Excise duty for the equipment used in pollution control.

3.32 Giving its reactions to the above suggestions, the Ministry has stated that the Government has provided certain fiscal incentives to encourage industry for installing pollution control equipment. These include depreciation allowance at the rate of 30 per cent, rebate of 70 per cent on Cess levied under the Water Cess Act, 1977 and exemption of tax on capital gains for shifting of industries from congested area. Notwithstanding these incentives, the industries have not taken substantive measures for pollution control. In view of the national concern for pollution control, the Ministry is examining as to whether further liberalisation should be done in terms of providing financial support and incentives including the above suggestions to the industries for installing and operating pollution control/monitoring equipment. However, the subject matter needs to be taken up with the other concerned Ministries such as Ministry of Finance and other related agencies and State Governments.

3.33 As the discussions with other Ministries were likely to take years the Committee asked would it not be appropriate if concession on Sales Tax for pollution control was extended. Agreeing with the Committee, the Secretary of the Ministry stated that concession and exemption from Excise Duty were largely within the ambit of the Government of India. He further added "we should be able to get policy decision as far as Sales Tax is concerned as it is under the State Government. But we will try."

3.34 Asked about the relationship between investment and incentive, the Secretary has explained :

"There is an increase to 50 per cent from 30 per cent in the depreciation allowance. More than that, the entire investment money on pollution control equipment will be recovered in five years."

3.35 Asked further, when the entire investment money on pollution control equipment would be recovered in five years, why many industries were not complying with the regulation, the witness has replied :—

"It is a combination of circumstances. In some cases it is just the cost. It will take anything of Rs. 10 crores investment in order

to do this. Even if they find Rs. 10 crores, they will probably use it for expansion. Secondly, in many cases, planning is of significant importance and will have to be with the pollution control equipment. But they are not agreeing to this. Industries may want pollution control equipment but it is not available to many industries as they are facing financial constraints. In some other cases, the technology is not available. I do not want to give that as a major reason. Not a small amount of technology is available. Take for example, the dark brown water which comes out of the paper mills. A ready made solution is not available as to how to get rid of it."

3.36 The Committee have further been informed that the lack of fiscal incentives was also one of the reasons for the industry not conforming to the pollution control measures. The Secretary of the Ministry has submitted during evidence :

"There are fiscal incentives that are necessary. What fiscal incentives are there now? If any industry should put in equipment for pollution control, in five years he will recover the full cost during the process of depreciation allowance. Even now excise duty is levied on pollution control equipment. If the excise duties could be reduced, it will make it easier to put the equipment in.

The other thing is in regard to fund availability from the industrial financial institutions like IDBI and IFCI. If these financial institutions could treat pollution treating equipment as also matter of national priority for funding, by giving whatever maximum possible concession by reduction in the industries to adopt them."

Clarifying the position further, he stated :—

"I have mentioned three or four major items. We want that there should be customs duty exemption on import of equipment for monitoring and control of pollution. Second is reduction in the rate of interest, as low as possible so that pollution control installations become more attractive."

3.37 The Committee note that Government has provided certain fiscal incentives to encourage industries units to install pollution control equipment. These incentives include Depreciation Allowance at the rate of 30 per cent, rebate of 70 per cent on cess levied under the Water Cess Act, 1977 and exemption from tax on capital gains for shifting of industries from congested areas. However, as admitted by the Ministry during

evidence, these incentives by themselves have not encouraged industries to install effective pollution control equipment. Viewed in this context, the Committee feel that there is a scope for enlarging these incentives and recommend that Ministry should take up with the State Governments the question of further concessions on Sales Tax for purchase of Pollution Control equipment as agreed to during evidence, the question of exemption from Custom and Excise duty on import of materials for pollution control being also to be pursued with the Ministry of Finance. These concessions, in the opinion of the Committee, would not only go a long way in encouraging the industrial units to install pollution control equipment, but ultimately help in the conservation of environment.

APPENDIX I

(Referred in para 2.4)

Yearwise report on work done by the Central Board

Period

- 1976-77
- Water quality criteria was delineated for the river Yamuna in the Union Territory of Delhi.
 - Pollution problems in the river basins of Kolak and Daman Ganga in the Union Territory of Daman, Dadra and Nagar Haveli were assessed with formulation of pollution control measures. These were implemented along with delineation of water quality criteria for the rivers.
- 1977-78
- Status of water supply, wastewater collection, treatment and disposal in Class I cities and Class II towns was evolved.
 - Assessment of water pollution problem in the Union Territory of Pondicherry was done after preliminary survey.
 - Pollution potential of the Zuari and Mandovi river basins in Goa was studied with delineation of water quality criteria for these rivers.
 - Comprehensive river basin study of the Yamuna was done.
- 1977—82
- In the Yamuna water quality monitoring was done at 16 stations from its origin to its confluence with Ganga at Allahabad.
 - Water quality criteria for various designated best uses of fresh water bodies were evolved, adopted and communicated to all State Pollution Control Boards.
- 1978—87
- Monitoring of water quality of selected rivers all over the country has been taken up at 170 stations. This is a major continuing work of the Central Board.

- 1979-82 — The Ganga basin study was done.
- 1981-82 — Ground Water quality monitoring in and around the Union Territory of Delhi and parts of the States of Haryana and Uttar Pradesh was done.
- Air pollution survey and assessment was done in Agra-Mathura region.
- Stack sampling equipment for stack emission monitoring was adopted.
- Guidelines for initiating air pollution control activity were formulated.
- On-the-spot study of the pre-monsoon water quality of the river Ganga in its upper most reaches in Uttar Pradesh was conducted.
- 1982-83 — Monitoring of emission at industrial source, monitoring of emissions of vehicular exhausts and delineation of two Air Pollution Control Areas in the Union territory of Delhi were done.
- Comprehensive Industry documents and Minimal National Standards (MINAS) for five industries viz., (i) Sugar, (ii) Fermentation, (iii) Chloralkali, (iv) Oil Refineries, and (v) Man-made fibre, were published and circulated.
- Inter-State Pollution Control programme for the Damodar river was drawn up in collaboration with Bihar and West Bengal State Boards.
- 1983-84 — Emission standards were formulated for six categories of air polluting industries, viz., (i) Cement, (ii) Thermal Power, (iii) Integrated Iron & Steel, (iv) Fertilizer, (v) Nitric Acid and (vi) Sulphuric acid.
- 1983-87 — The National Ambient Air Quality Monitoring (NAAQM) Network was started and expanded. This is continuing as a major activity of the Central Board and will be expanded in the future.

- 1984-85
- "Action Plan" to clean the Ganga was prepared.
 - River basin atlas showing classification and zoning of all 14 major inter-state rivers was prepared. This provides the basis for framing pollution control strategy for a river as a whole taking into account the desired river water quality.
 - Guidelines for stack height were prepared.
 - Emission standards were formulated for six more air polluting industries, viz., (i) Calcium Carbide, (ii) Copper, Lead and Zinc Smelting, (iii) Carbon Black, (iv) Phosphatic Fertilizer, (v) Oil Refineries, and (vi) Aluminium.
 - Standards for vehicular exhaust emission for diesel and petrol driven vehicles were evolved.
- 1984-85
- Basin studies on the rivers Damodar, Subarnarekha, Brahmani and Krishna for water quality were conducted.
- 1985-86
- MINAS documents were published and circulated for six industries, viz., (i) Fertilizer, (ii) Integrated Iron & Steel, (iii) Thermal Power, (iv) Textile (Cotton and Wool), (v) Pulp and Paper (Small Scale) and (vi) Pesticides.
 - Action was taken for implementation of Minimal National Standards at Industry sources through Task Forces. Task Forces were constituted for five categories of industries, viz., (i) Man-made fibre, (ii) Fertilizer, (iii) Thermal Power Plant, (iv) Integrated Iron & Steel, and (v) Small plup and paper.
 - Air Pollution Control Areas III and IV in Union territory of Delhi were delineated.
- 1986-87
- Comprehensive Industry documentation was done for following eight categories of industries : (i) Inorganic Chemicals, (ii) Organic chemicals, (iii) Soda Ash, (iv) Dye and Dye intermediates, (v) Paints, (vi) Tannery, (vii) Natural Rubber and (viii) Pulp and Paper (large scale).

- MINAS formulation was done for Petrochemicals and Pharmaceuticals.
- Task Forces continued to function for implementation of MINAS.
- Emission standards and guidelines for stack height for boilers and small scale industries were formulated.
- Work was started for formulation of emission standards for the six following air polluting industries : (i) Foundry, (ii) Caustic Soda, (iii) Petrochemicals, (iv) Pulp and paper (large scale), (v) Man-made fibre and (vi) Asbestos.
- Surveillance and assessment of air quality was started in industrial towns of Dhanbad, Durgapur and Burnpur.
- Basin studies on the river Sabarmati was completed.
- Basin studies on river Cauvery continued.

APPENDIX II

(Referred in para 3.8)

Yearwise analysis of 4 years' expenditure on Water and Air Pollution by Ministry

(in lakhs of rupees)

Year	Budget Estimate	Revised Estimate	Actual
(1) Central Board for Prevention and Control of Water Pollution :			
1983-84	120	140	140
1984-85	165	165	165
1985-86	200	150	120
1986-87	160	183.50	157
Total	645	638.50	582
(2) Collection of Water Pollution Cess—States :			
1983-84	123.70	300.00	305.90
1984-85	290.00	290.00	281.53
1985-86	320.00	350.00	403.61
1986-87	350.00	450.00	544.91
Total	1083.70	1390.00	1535.54
(3) Grants in aid to Union Territory Govts. for Prevention and Control of Water Pollution (Cess) :			
1983-84	10.00	25.00	35.00
1984-85	50.00	50.00	15.00
1985-86	50.00	50.00	plan Nil
1986-87	50.00	50.00	33.00
Total	160.00	175.00	83.00
(4) Central Water and Air Laboratory :			
1983-84	4.00	2.00	0.68
1984-85	4.00	1.00	0.65
1985-86	8.00	5.00	0.64
1986-87	8.00	7.00	0.70
Total	24.00	15.00	2.67

Year	Budget Estimates	Revised Estimates	Actual
(5) Waste Recycling Scheme :			
1983-84	..	..	..
1984-85	..	..	..
1985-86	20.00	8.00	Nil
1986-87	5.00	3.00	3.00
Total	25.00	11.00	3.00
(6) Prevention of Coastal Pollution :			
1983-84	..	..	..
1984-85	..	..	..
1985-86	40.00	33.50	..
1986-87	30.00	30.00	20.00
Total	70.00	63.50	20.00
(7) Setting up of Air Pollution Control Boards in States :			
1983-84	1.00	1.00	Nil
1984-85	1.00	Nil	Nil
1985-86	..	..	..
1986-87	..	..	..
Total	2.00	1.00	Nil
(8) Hazardous Substances :			
1983-84	..	..	..
1984-85	..	..	..
1985-86	5.00	1.00	..
1986-87	..	..	..
Total	5.00	1.00	..
(9) Finding pollutionally relevant Schemes :			
1983-84	..	..	..
1984-85	..	..	10.00
1985-86	10.00	10.00	10.00
1986-87	25.00	25.00	15.00
Total	35.00	35.00	25.00
(10) Environmental Pollution Control Cell :			
1983-84	1.30	1.30	0.27
1984-85	1.30	1.30	0.88
1985-86	2.00	2.00	0.88
1986-87	2.00	0.88	0.92
Total	6.60	5.48	2.95

APPENDIX III

(Referred in para 3.8)

Unutilised Provision for Projects and reasons therefor

Under the following heads, there existed provision in original/revised estimates but no expenditure was incurred :

	Year	Original	Revised in lakhs	Actuals
State Environment Committee	83-84	5.00	5.00	..
Biosphere Reserves . . . . .	..	20.00	5.00	..
Environment Management Institution	83-84	5.00	2.00	..
Setting up of Air Pollution Control Boards in State	83-84	1.00	1.00	..
Wild Life Institute	83-84	20.00	20.00	..
Assistance for Dev. of Wild Life & Resources	83-84	23.00	23.00	..
National Environmental Management Organisation	84-85	15.00	1.00	
Biosphere Reserve	84-85	40.00	10.00	
Other Schemes	84-85	1.00	4.00	
National Env. Management Instt.	84-85	7.00	1.00	
Transit Bldg. for Scientific Offices	84-85	8.00	8.00	
Biosphere Reserves	85-86	100.00	30.00	
National Botanical Garden	85-86	10.00	5.00	
Captive Breeding of endangered species of plants	85-86	15.00	10.00	
Model Botanical Gardens	85-86	20.00	10.00	
Waste Recycling Programme	85-86	20.00	8.00	
Coastal Pollution	85-86	40.00	33.50	
Hazardous Substances	85-86	5.00	1.00	
Field Action Programme on Restoration of Selected Ecosystems	85-86	50.00	50.00	
Himalayan Institute of Environment & Development	85-86	50.00	50.00	
Grants-in-aid to professional societies and Institutions	85-86	15.00	10.00	
Environmental Policy Law	85-86	10.00	5.00	
National Botanical Garden	86-87	5.00	1.00	
Captive Breeding and Endangered species of plants	86-87	15.00	15.00	
Himalayan Instt. of Environment and Development	86-87	60.00	42.00	
Grants in aid to Professional Societies and Institutions	85-87	5.00	5.00	

The Ministry has furnished the following clarifications schemewise :

(1) *State Environment Committee*

During the year 1983-84, the Department of Environment proposed to support State Environment Committees in different parts of the country for which a provision of Rs. 5 lakhs was made. However, since these Committees were not constituted by the state governments this provision was withdrawn.

(2) *Environment Management Institution*

The Department planned to establish an Environment Management Institution with the basic objective of providing professional training to different sectoral groups in environmental management. For this purpose, a provision of Rs. 5 lakhs was made during the year 1983-84 and Rs. 7 lakhs in 1984-85. However, this concept has been revised in subsequent years and the aspect of training programme for different sectoral groups was integrated into the educational programmes. Hence the provision was not utilized.

(3) *Setting up of Air Pollution Control Boards in States*

A token provision of Rs. 1 lakhs has been made in the budget of 1983-84 for giving support to the states for setting up of separate Air Pollution Control Boards based on the suggestion of Central Pollution Control Board. During this year, the Department did not receive any such request from any state. Hence the budgetary provision had to be surrendered and subsequently the scheme was dropped.

(4) *National Botanic Garden*

A National Botanic Garden has been proposed to be set up in Delhi, which will serve as a living laboratory for the scientists, ecologists, environmentalists and also for ex-situ conservation of diverse and rare species of plants. A site selection committee was constituted in 1984. The Committee after examining various sites, selected the Ridge Area in 1985 for siting the garden. A portion of this area is occupied by the Army. This Ministry has been pursuing with the Ministry of Defence ever since, regarding vacating of this space by the Army. As this space is still to be vacated the project has not become operational. For this purpose, a token provision of Rs. 10 lakhs in 1985-86 and Rs. 5 lakhs in 1986-87 was kept so that as soon as the space is made available action could be taken.

(5) *Captive Breeding of Endangered Species of Plants*

A scheme for Captive Breeding of Endangered Species of Plants was included in the Seventh Plan with a view to monitor and assess the natural population of threatened and rare plants species to develop Gene Banks of

species of economic, horticultural, medicinal importance and to serve as a means of re-introduction of in-situ conservation of species. For this purpose, a budgetary provision of Rs. 15 lakhs each in 1985-86 and 1986-87 was made. The scheme was cleared by Departmental Standing Committee only on 21-1-87. It was also stipulated that the posts sanctioned for this scheme will not be created till an exercise for assessment of overall staff requirement of BSI was completed and suitable re-deployment done. The reorganisation of BSI could be completed only by September, 1987. Hence this scheme could not be operated earlier. Due to economy instructions consequent on drought the provision made for this scheme during the current year has been surrendered. Hence this scheme will become operational from 1988-89.

(6) *Model Botanic Garden*

A scheme on setting up of Model Botanic Garden in different parts of the country was envisaged to save plants of economic or biological significance from extinction and have conservation of representative elements of rich flora of India through garden development in major cities. Outlay for this scheme was to be funded from lumpsum of Rs. 200 lakhs provided for this scheme as well as captive Breeding of Endangered Species of Plants and National Botanic Garden. On detailed examination it was found that the outlay approved was not at all sufficient. The Planning Commission suggested that one model experimental garden may be started initially. For this, the Department is already thinking in terms of setting up a National Botanic Garden in Delhi. In these circumstances, the token provision of Rs. 20 lakhs in 1985-86 made for this scheme was not utilised.

(7) *Waste Recycling Programme*

A scheme to support different technical programmes to try on a pilot scale for a possibility of recycling of wastes/industrial effluents has been proposed during the year 1985-86. The Department tried to formulate schemes and entered into discussion with various State Pollution Control Boards and Central Board. The provision of Rs. 20 lakhs in 1985-86 made for this scheme has been subsequently reduced to Rs. 8 lakhs. However, this scheme could not be finalised in all its aspects during 1985-86, thus necessitating surrender of provision made.

(8) *Coastal Pollution*

It was decided by the Department to take up programme of monitoring of coastal pollution both on the east and west coasts at several locations. State Pollution Control Boards from the coastal areas have been requested to give a year. Several of the State Boards could not come with the details of the programme of monitoring of the coastal waters. During this period

it was also envisaged that the Department may take up this case in coordination with the Department of Ocean Development. In view of this, the scheme had to be reoriented. The technical programme requirements of the Department of Ocean Development were also considered. Due to these mid-year changes the reduced allocations made at RE stage could not be utilised during the year 1985-86. The provision in all these cases have been calculated based on the experience of the State Pollution Control Boards for similar type of monitoring network.

(9) *Environmental Policy and Law*

The provision is for the purpose of appointing consultants to prepare environmental standards. Prior to appointment of consultants, a thorough study was made of the existing standards and data. As the study could not be completed in time, the consultants were not appointed. Therefore, the provision could not be utilized.

(10) *Hazardous Substances*

A budgetary provision of Rs. 5 lakhs was made during the year 1985-86 with an intention to create a Board for Hazardous Substances Control with separate legislation for the same. However, a comprehensive legislation namely the Environment (Protection) Act, 1986 was meanwhile though of including provision for control of hazardous substances and was subsequently enacted by the Parliament. Hence, the idea of a separate Board was dropped. Provision, therefore, could not be utilised.

(11) *Field Action Programme on Restoration of Selected Eco-systems*

It was proposed to enlarge the scope of the field action oriented activities in areas of critical importance under the programme of eco-development. For this purpose, a budgetary provision of Rs. 50 lakhs was made during the year 1985-86. However, this budgetary provision could not be utilised due to lack of suitable fresh projects and non-release of funds due to non-submission of required expenditure statements and utilisation certificates in respect of on-going projects by project authorities.

(12) *Grants-in-aid to Professional Societies & Institutions*

It was proposed to support professional societies and institutions by way of grants-in-aid to them. For this purpose, budgetary provision of Rs. 15 lakhs in 1985-86 and Rs. 5 lakhs in 1986-87 was made. However, this budgetary provision could not be utilised due to the non-availability of suitable projects.

(13) *Transit Building for Scientific Officers*

It was proposed by the Department of Science and Technology to provide transit accommodation in Delhi for scientific officers working in scientific departments/ministries. In this connection, the concerned

departments/ministries were asked to provide budgetary provisions in their demand for grants for this purpose. In pursuance of this the Department of Environment made a budgetary provision of Rs. 8 lakhs in 1984-85 for this purpose. However, subsequently all the concerned departments/ministries were instructed by the Ministry of Finance to surrender the budgetary provisions made by them through their demand for grants for 1984-85 since Ministry of Works and Housing has been requested to make the provisions for the purpose in its demand for grants No. 91 Major Head 483 for the amount so being surrendered. Hence, this provision was not utilised in the year 1984-85 and has been surrendered.

(14) *Biosphere Reserves*

In the initial stages, the concept of Biosphere Reserve was not clear. There was a thinking that a separate legislation was necessary. The State Government were apprehensive that land comprised in Biosphere Reserve Would vest in the Centre. It took considerable time to examine these aspects and remove the misgivings of states.

It was ultimately decided :

- that there is no need for a separate legislation for the purpose and that the purpose could be achieved within the framework of existing legislation.
- the land management and administration would be with the States and the Centre would provide.
- financial assistance for implementing action and management plans for Biosphere Reserves.
- technical guidance.
- training of personnel.
- the Biosphere Reserve would be administered through existing state agencies like Forest & Wild Life Departments.

The scheme thus took concrete shape only in 1986-87. Consequently, the provision made in the earlier three financial years could not be utilised.

(15) *Himalayan Institute of Environment and Development*

It was initially proposed to set up a large centralised Research Institute with a network of sub-centres in the Himalayan region. Setting up of an institute of this magnitude was not possible due to several reasons. These concepts have been reconsidered and the new framework was evolved recently. The primary objectives and functions of the institute have been clearly spelt-out. The institute with multi-disciplinary team of scientists

will work as the policy planning Centre for environmental studies of the Himalayan region. Due to these conceptual changes the starting of the institutional framework could not be taken up earlier.

(16) *Environmental Impact Assessment*

Non-receipt of well defined clear-cut-proposals has resulted in less expenditure in this programme. Dialogue initiated with universities and other institutions for undertaking impact studies could not be completed during the period.

(17) *National Environmental Management Organisation*

The idea of starting such a network system has been given up.

APPENDIX IV

Summary of Observations/Recommendations

Sl. No.	Para No. of Report	Recommendations/Observations
1	2	3
1.	1.12	<p>The Committee note that as the subject "water" is listed in the State List, the Central Law on Prevention and Control of Water Pollution was enacted by Parliament in 1974 taking recourse to the provisions of Article 251 (1) of the Constitution. Had this item been in the Concurrent List, the need for adopting such a cumbersome process could have been obviated. Since the Secretary of the Department has agreed during evidence that inclusion of this item in the Concurrent List would be convenient administratively and that the Ministry of Law also endorses this opinion, the Committee would like the Government to consider bringing for necessary amendment of the Constitution for inclusion of the subject "water" in the Concurrent List. It is needless to point out that such an amendment will also obviate the necessity of approaching the States again and again for bringing any further amendments to the parent Act.</p>
2.	1.26	<p>The Committee are happy to note that by amending recently the Air (Prevention and Control of Pollution) Act, 1981, the Government has armed itself with sufficient powers to check air pollution. Some of the provisions of the amended Act envisage <i>inter-alia</i> the prior consent of the concerned State Pollution Board for establishing an industrial plant as obligatory, stricter punishments for violation of Air Act, closure or regulation of any offending industry and obtaining from courts orders restraining any person from causing air pollution by the Pollution Boards, etc. The Committee hope that the implementing agencies will now make copious use of these powers effectively to check air pollution by initiating appropriate corrective measures within a time-bound programme.</p>

- | 1 | 2 | 3 |
|----|------|--|
| 3. | 1.27 | The Committee further note that amendment to the Water (Prevention and Control of Pollution) Act, 1974 is also contemplated as the constraints in the implementation of the Air (Prevention and Control of Pollution) Act, 1981 are also being faced in the case of implementation of the Water (Prevention and Control of Pollution) Act, 1974. However, for bringing amendments to the Water Act, State Legislatures would have to pass resolutions under Article 252 of the Constitution and that implementation by the States will depend on their adoption of the amending Act and will not be automatic. The Committee have already recommended for inclusion of the subject "water" in the Concurrent List for avoiding this cumbersome procedure. Meanwhile, the Committee hope that it will be possible for the Government to bring forth the Amendment Act without any further loss of time. |
| 4. | 1.28 | The Committee note that with the change in legal status of Arunachal Pradesh, Mizoram and Goa as full fledged States, the Water Act is not applicable until the State Legislatures adopt the Central Act and constitute State Boards. The Committee hope that the matter relating to adoption of the Act and constitution of State Boards will be vigorously pursued with the States. |
| 5. | 1.29 | The Committee are surprised to learn that even in Nagaland and Manipur, the provisions of Water Act were not extended to them and the States are now being persuaded to adopt the Act. As preventive steps are necessary before critical stage of problem is reached, the Committee hope that these States will also be persuaded to adopt the Act urgently. |
| 6. | 1.34 | The Committee note that as a result of inter-ministerial conference held in Baroda in October, 1986, action is being taken to (1) enlist hazardous chemicals, (2) prescribe procedures for manufacture, storage, imports, transport, use and disposal of hazardous chemicals, (3) lay down procedure for location of chemical industries, (4) prescribe guidelines for safety measures, and (5) procedure in case of accidents. With the Bhopal tragedy still green in our memory and its effect yet to be |

surmounted, the Committee recommend that a time bound programme may be drawn for implementing the decisions taken in the inter-ministerial Conference held in October, 1986 and hope that an in-built system will be established for identifying extent and effect of pollution by the hazardous chemicals at the initial stage of utilisation itself.

7. 1.46

The Committee feel deeply concerned to find that quite a large number of cases regarding violation of provisions of Water and Air Acts are pending in various courts. As in November, 1987, the number of pending cases under the Water Act was 1314 out of a total number of 1602 cases filed. The position with regard to the cases under the Air Act is no better as out of 202 cases filed, so far only 97 cases have been decided and 105 cases are still pending. While these cases may take several years to be decided, the danger from the defaulting industries which in the meantime continue to discharge polluting effluents or emit air pollutants looms large on the lives of the people in the concerned areas. The Committee in this connection welcome the constitution of special courts to deal exclusively with air and water pollution cases and note that such courts have already been established in Bihar and Gujarat. The Committee would like the Government to go in for such special courts in other States also in case the experience from the Bihar and Gujarat Courts is encouraging. The Committee would also like to sound a note of caution so far as the establishment of special courts is concerned as there is nothing to deter the defaulting parties to go in for appeals to the higher courts against the decisions of the special courts. The Committee, therefore, would like the Government to examine whether the jurisdiction and powers of the special courts are so defined that the parties could straight go in for appeals against their decisions to the High Courts or Supreme Court. This may result in obviating some delay in the final outcome of the cases.

8. 1.47

The Committee regret to note that under the Air Act with the exception of Tamil Nadu and to some

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extent Gujarat, no other State seems to have taken adequate action for implementing the standards prescribed by the Central Board as is evident from the number of cases of violation filed under the Air Act. Despite creation of a Special Court in Bihar in 1983, the number of cases filed till 1985 was 6 only. Even in Union Territories for which the Central Board is responsible, the progress in complying with the consent conditions laid down by the Department have been very poor. The positive steps taken by the Central Board for implementing the regulations are not adequate. The Committee expect the Ministry and the Central Board to take note of the situation and initiate appropriate action without further loss of time.

9. 2.11.

The Committee do not consider that the vacancies in the composition of the Central Board for long periods augur well to its smooth functioning. The Committee, therefore, are firmly of the opinion that vacancies in the Central Board should not be allowed to remain unfilled. The Committee would take this opportunity to caution the Government that while nominating the Chairman/Members of the Central Board, care should be taken to ensure that they are environmentalists of proven standards and ability and have deep knowledge and acumen to understand the problems being faced by the country in the field of prevention and control of pollution and measures that should be taken to counter them. The question of making the Central Board more broad-based, representing various interests, has also to be considered in depth in view of the gigantic proportions that the problem of pollution has acquired over the years.

10. 2.12.

The Committee feel unhappy to find that there have been serious shortcomings in the performance of functions assigned to the Central Board for prevention and control of water and air pollution in as much as these shortcomings have affected such basic activities as pollution emission discharge and operation and maintenance of pollution control equipment. In this connection, the Committee note that even though the Central Board

was set up in September, 1974, it commenced reporting its activities only from the year 1976-77. The Committee cannot but regret the lack of initiative or any action by the Board for a period of over 2 years.

It is needless to point out that the Central Board is the nodal agency in the prevention and control of water and air pollution. The Committee, therefore, need hardly emphasise that the functioning of the Central Board should be adequately geared up, so as to enable the Board to realise its objectives fully.

11. 2.13

As 85% by volume of the waste is generated from domestic sources, the Committee feel that unless the water supply, sanitation and sewerage facilities are duly taken care of, there can be no solution to the problem of pollution from the domestic sources. In this connection the Committee feel disturbed to learn that even 8 Class II cities do not have protected water supply and only 5.4% out of 15.5% of waste water which alone is collected is given some sort of treatment. The civil works and maintenance relating to drinking water, sanitation, drainage, etc. being subject handled by the local authorities for which financial assistance is provided by the State Governments and the Central Government, the Committee suggest that with due regard to check the pollution effectively, the Central Board should coordinate the activities at least for all Class-I and Class II cities with the State Board, so that steps should be taken not only to provide the facilities but also to ensure that they are duly maintained regularly on a long-term basis. It should also be enjoined upon the State Governments to ensure adequate clean drinking water in the cities, towns and villages under their respective jurisdiction.

12. 2.14

The Committee note that the Central Board has established so far 170 monitoring stations on the 14 major rivers to identify pollution sources within the river basins and has a proposal to establish another 230 Water Monitoring Stations by the end of the 7th Plan. The Committee feel that immediate steps are called for to ensure the progress in achievement of research by the tar-

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geted date. It goes without saying that follow up action should be taken immediately on receipt of the findings from the Monitoring Stations.

13. 2.15

The Committee note that the Central Board has been in a position to determine the affluent standards for 24 categories of industries out of which notifications have been issued for 18 categories. Since the State Boards are the implementing authorities of the standards as prescribed, the Committee considers it necessary for the Central Board to play a vital role in coordinating the activities of State Boards to that the achievement so far made in identification of pollutants and prescription of standards do not go waste.

14. 2.25

The Committee regret to note that out of 20 States in which 4054 identified polluting industries are functioning, progress in providing ETPC has been achieved only in the States of Karnataka (95%), Gujarat (86%), and Maharashtra (80%), whereas, States like, Andhra Pradesh, Bihar, Haryana, Kerala, Madhya Pradesh, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal etc. are considerably backward in initiating steps for provision of ETPs. The Committee regret to note that even in the capital of India, i.e., Delhi, out of 63 Units which contribute to pollution, ETP has been installed or under installation only for 16 industries. The Committee also note with anguish that though for some of the major industries like petroleum, iron, pulp and paper, etc. regulations have been prescribed and notified years back, ETP schemes have not been so far executed and the Central Board is also not aware of the progress made in several industries. Unless the emission regulations as prescribed are notified and adopted, the Committee feel that the very objective of prescribing the regulations stands totally nullified. In particular the Committee find that none of the steel industries (all functioning under SAIL) have taken steps for implementing emission regulations. The Committee recommend that in respect of all industries in the public sector, the compliance of the emission regulations may be got ensured in coordination with the respective Ministries. Installation of ETP may not serve the purpose, unless it is

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ensured that ETPS are kept in operational State and worked regularly. The Committee, therefore, recommend that a mechanism should be devised to ensure proper functioning of these plants.

15. 2.33

The Committee consider that there is an imperative need for very close liaison and coordination between the Central and State Pollution Boards, as, according to Ministry's own admission, most of the State Boards are deficient and ill-equipped to combat the air and water pollution menace which has since engulfed the whole country. While agreeing that there may be variations from State to State for implementing various plans and schemes for combating this evil with due regard to local conditions, the Committee, nevertheless, feel that there should be consensus on the overall approach in this regard. In Committee's opinion that collection of data and processing it on scientific footing are the first basic needs in this direction. The Central Government may like to initiate modern methods of collection and processing of data by computerising the whole process in phases. It is also needless to emphasise that there should be regular exchange of data between the Central Board and State Boards so that they are able to keep themselves abreast of the problems cropping up from day to day and find solutions for the same. Such data, when received from the State Boards, should be carefully analysed by the Central Board and loopholes plugged wherever necessary.

16. 2.34

The Committee note that regular conferences are held between the functionaries of Central Board and the State Board for exchange of views and chalking out a common strategy to help solve the problem. The Committee, however, feel that such conferences are of little use unless follow-up action is initiated on the outcome of such conferences in right earnest. The Committee recommend that suitable methodology and machinery should be evolved to implement the decisions taken at such conferences.

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17. 2.40

The Committee have been informed that based on norms devised by the Centrl Board, the assessment of requirement of manpower has been made by various States. Notwithstanding this position. The Committees are amazed to find that the demands made by the States are substantially in excess of the manpower as assessed by the the Central Board and it is equally surprising to the Committee that even in States there the existing staff is far in excess of the assessed requirements, the State Boards concerned have come forth with request for substantial additional staff. The Committee recommend that pending a review of proposals, reasonable and timely assistance on the needs of the State Board will go a long way in implementation of pollution control measures and hence recommend that in those areas, where the shortfall has been assessed by the Central Board may be provided without delay, to make up the shortage.

18. 2.43

The Committee note that as against the existing manpower strength of about 700 persons in the various State Boards, training has so far been imparted to only 410 personnels. If the dropout from the State Boards after the training are duly taken note of, the number of persons that are yet to be trained would be considerable. The Committee expect that suitable steps would be taken to give adequate training to all the personnels by a time-bound programme.

19. 2.44

The Committee regret that no assessment of the subsequent jobs, entrusted to the trained personnel have been conducted. Considering the extent of expenditure incurred on the training, the Committee feel that trainees should be utilised for the purpose for which they are trained for a prescribed number of years and for this purpose, if necessary, the feasibility of undertaking bonds from the trainees may be considered.

20. 2.45

The Committee also recommend that a system of periodical refresher courses on the latest trends on pollution control management of specified industries may be considered for the benefit of the technical staff of the state Boards and Central Board.

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21.	2.54	<p>The Committee note that during the Sixth Five Year Plan the Central Board had proposed funds to the extent of Rs. 2.65 crores not only for development of Central laboratory facilities but also upgrading the State Board Laboratories. However, the actual expenditure was only Rs. 0.76 crores. In view of the fact that the utilisation of funds has been so poor during the 6th Plan, the Committee find it difficult to understand the logic behind inordinate delays that have taken place in providing laboratory facilities, etc. to the State Boards for all these years. The Committee therefor need hardly emphasise that the pollution control can become a reality only if and when the State Boards which are the agencies to implement the Acts by direct action, are suitably equipped to do so. The Committee therefore recommend that provision of assistance to the State Boards, can brook no further delay and would need to be provided immediately. Apart from providing financial assistance, the Central Board should oversee the manner in which the funds are utilised by the State Boards so as to ensure reasonable coordination on the achievements made in the States.</p>
22.	3.9	<p>The Committee consider it unfortunate that under-estimation of non-plan expenditure and over-estimation of plan expenditure is a regular feature with the Ministry. The reasons advanced by the Ministry for this phenomenon are totally unconvincing. So far as non-plan expenditure is concerned, the Committee do not understand why the expenditure on additional dearness allowance and implementation of the recommendations of the Fourth Pay Commission could not be anticipated in advance and provisions made accordingly. So far as plan-expenditure is concerned, it is really shocking that in the case of very large number of schemes, funds have been provided year after year without even expenditure of a single rupee having been spent thereon. In the case of some other schemes, the expenditure has been much less as compared to the provisions made for the same. The Committee need hardly stress that funds once provided in the budget should not be allowed to be frittered</p>

away and every effort should be made to utilise the funds gainfully as any delay in execution of schemes will only lead to cost escalation. The Committee would also emphasise upon the desirability of imposing financial discipline while preparing the budget and it should be ensured that it is on realistic basis. The Committee would also like the Ministry to identify the causes which lead to huge shortfall in the expenditure incurred on the implementation of various plan schemes and take necessary corrective measures wherever necessary.

23. 3.15

The Committee are surprised to find that the Central Board has been preparing budget estimates for amounts substantially in excess of the actual allocation, notwithstanding the fact that the Central Board must be aware of the plan outlay in each of the plans. The Committee note in this connection that the Central Board prepared a budget for Rs. 641.50 lakhs for the Sixth Five Year Plan whereas the outlay provided by Government and released to the Central Board was to the extent of Rs. 259.50 lakhs only. The Committee, therefore, do not understand the logic behind the preparation of estimates which have no relation to the plan targets. While there may be no objection for the Central Board to keep in reserve schemes which can be taken up for consideration if additional funds could be tapped, the Committee find no justification for inclusion of such schemes in the outlay itself when they have not been cleared for inclusion in the Plan programme. The Committee, therefore, would urge that close coordination between the Ministry and the Central Board should be strived at; not only for the preparation of budget on a realistic basis but also for implementation of schemes for which funds have been allocated.

24. 3.16

The Committee would also like the Ministry to examine whether the form of accounts should be so prepared so as to indicate expenditure actually incurred on each scheme in order to facilitate study of projections of physical and financial target *vis a vis* achievements. It has also to be examined whether the auditing of accounts by the auditor as provided in the Water Act is adequate or needs any change.

25. 3.19

The Committee note that as against the total provision of Rs. 427.91 crores for the Seventh Plan, the allocation of funds for pollution control, excluding the allocation for Ganga Action Plan, is to the extent of Rs. 21.90 crores only including an amount of Rs. 10 crores on account of cess to be collected and distributed to the State. The Committee are, however, surprised to find that in the first two years of the Seventh Plan itself, the collection and disbursement of cess has already reached a level of Rs. 9.48 crores. It is, therefore, apparent that there has been a substantial under-estimation of account of collection of cess as earmarked in the Plan outlay. The Committee also find that apart from the achievement made relating to cess, the achievement in all other spheres has failed to keep pace with the provisions made in the Seventh Plan. In particular, the achievements under directly controlled central schemes and the assistance to Union Territories are very low. The Committee are, therefore, perturbed to observe that on the one hand the Seventh Plan Outlay itself is meagre as compared to the enormity of the problem and on the other there have been huge shortfalls in the utilisation of even these meagre funds. The inadequacy in the planning and budgetary control, is, therefore, self-evident from these details made available to the Committee. The Committee would, therefore, recommend that an immediate afresh look on the planning process as also the execution of schemes and the financial control exercised by the Integrated Financial Organisation of the Ministry are called for.

26. 3.27

The Committee note that some States have not been collecting water cess as required under the Act. The cases of West Bengal and Assam are particularly conspicuous as these were two of the twelve States which had passed enabling resolutions under Article 252(1) of the Constitution authorising Parliament to pass legislation relating to water Pollution but surprisingly started collecting cess only during 1983-84 and 1985-86 respectively. The Committee urge the Ministry to impress upon all the States to collect the water cess regularly as the money thus collected is intended to augment the resources to control pollution in their areas.

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27.	3.28	The Committee appreciate that the money collected under the Water Cess Act, which was hitherto passed on to the States Pollution Boards through the State Governments, would now be sent to the State Boards directly.
28.	3.29	The Committee also note that 17-1/2 % of the net proceeds of the Water Cess are retained by the Central Government for distribution among Central Board and State Boards as discretionary grants for specific works/projects of inter-state importance. The Committee hope that due care would be taken before releasing these grants so as to ensure that they are given only for the works/projects on the basis of <i>inter se</i> priority.
29.	3.30	Since cess money is required to be credited to the consolidated Fund of India, the Committee feel that the Central Government has to perform certain watchdog functions in this behalf, notwithstanding the fact that collections are made by the States on behalf of the Central Government. The Committee, therefore, suggest that the position in this regard may be reviewed in consultation with Ministry of Finance. The Committee also recommend that in the annual reports of the Ministry and the Central Board, the overall position on collection of cess and arrears may be reflected.
30.	3.37	The Committee note that Government has provided certain fiscal incentives to encourage industries units to install pollution control equipment. These incentives include Depreciation Allowance at the rate of 30 per cent rebate of 70 per cent on cess levied under the Water Cess Act, 1977 and exemption from tax on capital gains for shifting of industries from congested areas. However, as admitted by the Ministry during evidence, these incentives by themselves have not encouraged industries to install effective pollution control equipment. Viewed in this context, the Committee feel that there is a scope for enlarging these incentives and recommend that Ministry should take up with the State Governments the question of further concessions on Sales Tax for purchase of Pollution Control equipment as agreed to during evidence, the question of exemption from Custom and ex-

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		<p>cise duty on import of materials for pollution control being also to be pursued with the Ministry of Finance. These concessions, in the opinion of the Committee, would not only go a long way in encouraging the industrial units to install pollution control equipment, but ultimately help in the conservation of environment.</p>

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