

that I very deeply appreciate the interest that hon. Members have taken in the subject, as this debate has been through. We deeply appreciate their sentiments.

SHRI P. KOLANDAIVELU : I would like to ask one point before you conclude. I have already informed this House and the Speaker also agreed to that. When Shri J.R. Jayewardene visited New Delhi as visiting President, when he was on our soil, he blamed the Tamil Nadu Government and the Tamil Nadu Chief Minister stating that terrorists have been trained in Tamil Nadu and financed by Tamil Nadu. He has said that. I have asked the Government also to condemn Shri Jayewardene's words. I would like to know whether the hon. Minister comes to my rescue, comes to the rescue of this House to condemn all the words of Shri J.R. Jayewardene.

(Interruptions)

SHRI K. NATWAR SINGH : I mentioned earlier here that the Prime Minister had taken this up. I think that should be sufficient for the present. May I once again thank the House for the indulgence of the hon. Members who have contributed to a very important, high-level, significant debate ! What we deliberate here, what we say here, is not only confined to this House or to this country but it is also listened to with very great care in Sri Lanka and the world over. There is nothing that we should do which will, in any way, upset the IPKF, lower their morale or come in the way of the smooth implementation of the Agreement so that the political processes can be started as soon as possible.

SHRI N.V.N. SOMU : Stop the killings of Tamils. Order ceasefire.

At this stage, Shri N.V.N. Somu left the House.

(Interruptions)

15.17 hrs.

AIR (PREVENTION AND CONTROL OF POLLUTION) AMENDMENT BILL—*Contd.*

[English]

MR. DEPUTY SPEAKER : Now, let us take up the next item : Further consideration of the following motion moved by

Shri Bhajan Lal, on the 9th November, 1987, namely :—

“That the Bill to amend the Air (Prevention and Control of Pollution) Act, 1981, be taken into consideration.”

Shri Somnath Rath to speak.

(Interruptions)

15.18 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

SHRI SOMNATH RATH (Aska) : Sir, there should be a law to put an end to the indiscriminate cutting of trees in the forests. A well-planned approach is needed for the growth of forests. Whether it is the reserve forests or revenue forests or the private forests, individuals should not be permitted to cut down the trees. It should only be confined to the Department of Forests or the Forest Corporation to decide it and they should be given the power to cut down the trees. In the reserve forests, no individuals should be allowed to take lease. In some States there are laws where the Forest Department or the Forest Corporations are allowed to cut the trees. The same thing should also be followed throughout India. Let us put an end to cutting the trees in all the forests. Laws are not wanting in our country. But the implementation of the same is an issue. The need of the hour is the strict implementation of all the laws whether it is water pollution, air pollution, or cutting of trees in forests indiscriminately. Laws are already passed and are in vogue but it should be implemented in right earnest. Progress must not spoil the ecology. A well-planned approach is needed which must also be implemented. We are trying to create awareness among the people. Only having 'Vana Mahotsava' as a ritual is not sufficient. Let us inculcate this into the minds of the public so that one family can plant a tree and nurse it. Huge amounts have been spent on the social forestry and also for afforestation. But if you see the statistics, money that is spent for afforestation or social forestry has not yielded the result. Trees are planted but not nursed. Next year, at the same place, we are to

[Shri Somnath Rath]

plant trees as those trees which were planted do not exist. Government has to take note of all these things and should not depend on statistics but on the actual implementation at the grassroot level. At the same time, sufficient steps should be taken so that fuel and building materials must be made available at the price which the villagers can afford. So also, land should be made available for pasture and fodder.

Our esteemed Prime Minister has stated, while addressing the UNO on October 19 this year, "conservation is not a national task alone. Even as peace is indivisible so is the world environment."

Taking into consideration all these matters, specially learning lessons from the unprecedented drought in our country, cutting of trees should be stopped. It prevents even soil erosion during floods. Having that in view, I want to submit that the air pollution or water pollution is the most important factor which needs the attention of the Government and also helps to create awareness among the people so that due attention can be given to this vital matter.

Sir, coming to the Bill, of course, it is stated in the Objects and Reasons...

(Interruptions)

MR. CHAIRMAN : Order, order. You are talking too much.

SHRI SOMNATH RATH : To give power to the Central Board where State Boards do not function or do not cooperate. I want to know from the Hon. Minister as to which will be the agency in the states to implement the decisions of the Central Board. The agency may be defined if not in the Act itself, at least in the rules and the Hon. Minister may please say as to how best he is going to meet this point.

I welcome the amendment suggested to Section 37(1) making the imprisonment mandatory. It is stated that :

"Whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each

such failure, be punishable with imprisonment for a term which shall not be less than one year and six months..."

The same principle should apply to Section 39 also. Section 39 says :

"Whoever contravenes any of the provisions of this Act or any order or direction issued thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine which may extend to ten thousand rupees or with both..."

But in this section, in the new clause that is going to be included in the Act, there is no provision for mandatory punishment. It is left to the court. So, a similar provision just like Section 37(1) should be provided in this clause also.

Coming to Section 43, it has been stated in the Bill that powers have been given to individuals to start cases. That is a very laudable idea. But will the Minister please reply as to how the individuals are assisted to prosecute a particular person? 60 days notice is necessary at this stage. Section 43 says :

- "(1) No court shall take cognizance of any offence under this Act except on a complaint made by—
- (a) a Board or any officer authorised in this behalf by it ; or
 - (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid....."

But this has also been limited by Sub-section (2) which says :

- "(2) Where a complaint has been made under clause (b)

of sub-section (1), the Board shall.....”

The word ‘shall’ is used here.

“on demand by such person, make available the relevant reports in its possession to that person”.

This provision in sub-clause (2) has been diluted by a proviso which says :

“Provided that the Board may refuse to make any such report available to such person if the same is in its opinion, against the public interest.”

So, this proviso should be deleted. Because any Board can take shelter under this proviso and refuse to give any report to an individual. For that all legal assistance should be given to individuals who fight the case and at the end when they are successful, some amount should be provided by way of compensation out of the fines realised from the culprit. That should be done. If that is done the individuals will be encouraged to file complaints or else how individuals come forward. Unless you give all the facilities to an individual to file a case there is no use making only a provision in the Bill for the propaganda sake that we have given the right to file the case to the public whereas at the same time you are putting the limitations and not giving the desired facilities.

We have experience of air pollution in Orissa. At Rajgangpur the cement factories have created a panic among the public. It is said that TB and other lung diseases come from the cement dust coming out of the factories. Similarly at Talcher the coal dust is affecting the health of the people. Also in my district Ganjam at Chhatarpur, Jaishri Chemicals are responsible for both air and water pollution. A team of Rajya Sabha had visited that place on public petition.

Sir, when the river water is polluted the fishermen not only lose their job of catching fish but they also suffer very much because the fish die and are rooted out. Under those circumstances when complaints are made by the public especially of the water pollution in rivers and also air pollution specific steps should be taken immediately.

Now it has been said that after section 22 of the principal Act, the following section shall be inserted, namely :

“22A (1) Where it is apprehended by a Board that omission of any air pollutant, in excess of the standards laid down by the State Board under clause (g) of sub-section (1) of section 17, is likely to occur by reason of any person operating an industrial plant or otherwise in any air pollution control area, the Board may make an application to a court, not inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class for restraining such person from omitting such air pollutant.”

(2) On receipt of the application under sub-section (1), the court may make such order as it deems fit.”

It is a discretion of the court. The matter can prolong for years together and the pollution continues. So I request the hon. Minister to amend this 22 A (2) and on receipt of such application it should be mandatory on the part of the court to issue a stay order prohibiting the alleged pollution. First of all the stay order should be given prohibiting the alleged pollution and later the matter may be heard and necessary orders passed otherwise it will have no effect. I once again suggest and urge upon the Minister to amend this 22A (2) so as to make it mandatory on the part of the court to issue a preliminary stay order on the alleged pollution on a complaint received. It is no use giving power to the court to do whatever it likes without putting any time-limit.

SHRI Y.S. MAHAJAN (Jalgaon) : Mr. Chairman, Sir, I rise to support the Bill. It deals with a matter of vital importance

The United Nations Conference on Human Environment held at Stockholm in 1972 arrived at certain important conclusions. Since India was a participant in that conference, it tried to give a concrete shape to those conclusions by passing the Air (Prevention and Control of Pollution) Act in 1981.

[Shri Y.S. Mahajan]

The implementation of this Act gave rise to certain administrative and practical difficulties. India is a federation. Naturally the responsibility for implementation of those provisions was divided between the Central and State Boards specially created for this purpose. Besides, it was realised that the scope of the Act was not adequate to meet the difficulties of the changing circumstances nor were there sufficiently deterrent provisions to achieve the aims and objectives of the Act. Hence, this Amendment Bill had to be brought forward by the Government for our consideration.

Sir, the facts of air pollution are shocking. The air we breathe is mostly noxious. It contains carbon monoxide, suspended particulate matter, sulphur dioxide and oxides of nitrogen. All these things are extremely harmful to human lives. One of the main pollutants, carbon monoxide, can produce dizziness, lassitude, headache and even cause death if present in excessive amounts. The presence of lead can cause death or irreparable brain damage. More than half of the air pollution in Delhi is caused by vehicular traffic.

Sir, there are certain remedies which our Department for Environment has taken notice of. The pollution can be controlled by certain strategies. The first is the use of sponge-based catalytic converters on light vehicles which can reduce vehicular emissions by 83 per cent. The introduction of even 3 per cent barium additive in diesel oil could reduce smoke emission by 50-80 per cent. But to make these strategies effective, enforcement of rules is necessary. Here we are not effective.

Then there are certain trees. The plantation of which is important because they resist pollution of the air. In this matter, our Prime Minister has already given a very serious warning. In one of his speeches, he said that time is running out for us on the ecological front. Man writes his own epitaph if he spoils his environment. If nature is respected, life received the bounty of plentiful food and proper health. If it was ignored, catastrophes ranging from flood to famine strike with full force. If a country-wide movement is not launched rapidly to save the

situation many of the States would continue to suffer from drought or floods. The Prime Minister has also warned that if this is not done, many of the States would have to suffer from the march of the desert as in Rajasthan.

Take the case of Calcutta which is the most densely-populated city. Its pollution prevention Board has conducted studies and paid attention only to certain industrial pockets. The scientists say that Calcutta will soon become a gas chamber if remedial action is not taken immediately. It is perhaps the worst affected city in the whole world.

Then, take the case of Bombay. If you go by car in the evening or in the morning from Dadar to any part of Bombay, you get suffocated by the emission of smoke from cars and trucks. In Delhi 50 per cent of the pollution is due to cars, trucks and buses and the scientists have said that as a result of this, lung diseases in Delhi is 12 times the average in the country. In 1979, after considering the high rate of deforestation and soil erosion in the Himalayan region, Dr. Norman Borlaugh wrote a letter to the then Defence Minister suggesting that we should utilise the services of the Army for fighting this menace. He suggested that the Army should be utilised because there is considerable credibility for the Army in our country. They have built up this credibility as a result of their work in times of stress and natural calamities, such as floods, drought, cyclones, and gales or war and peace. Our late Prime Minister Smt. Indira Gandhi was very particular about this. She realised the danger of ecological degradation and raised the First Ecological Task Force named 127 Infantry Battalion (TA) Ecological on 1st December 1982.

It is the provisions of the Bill relating to enforcement which commend it for our acceptance. We have any number of laws based on good intentions but most of them remained unimplemented. I hope Sir, this will not happen in the case of this Bill. The Bill contains provisions which will facilitate the achievement of its objectives. To start with, the punishment for breach of provisions have been made stricter. It has been made obligatory on the part of a

person to obtain the consent of the relevant Board before establishing an industrial plant. Thirdly, the Act has been made applicable to all industries causing air pollution and not only to those which are included in the Schedule of the original Bill. That Schedule has been dropped. Boards will be empowered to give directions to any person or authority to close down an industrial unit or withhold water or electricity or regulate it in a suitable manner with a view to prevent air pollution. The Boards can also approach Courts to pass orders restraining any person from causing air pollution. Any person will be able to file a complaint in a Court of Law against persons violating the provisions of this Bill. The amendment Bill and other Acts dealing with the problems of environment are an earnest of our desire and aspirations to make the environment healthy or leave it in a satisfactory or better condition for future generations.

SHRI D.B. PATIL (Kolaba) : Sir, this amending Bill is seeking to be very strict according to the Statement of Objects and Reasons of this Bill. I will come to that point later. But nowadays, as years pass, it appears that the pollution problem is getting serious year by year.

There are three main pollutions, the water pollution, the air pollution and the third is the noise pollution. We have taken cognizance of water and air pollution but till now we have not taken any cognizance of noise pollution. I will take this opportunity to urge upon the Government that this problem should be taken also because this noise pollution is causing great health hazards, particularly in big cities like Bombay, Calcutta and Delhi.

The hazards are like the hearing lost, lack of concentration, disorientation, disturbed mental frame, etc. Till now the Government has not taken any cognizance of this problem. So, I would repeat that cognizance should be taken of the noise pollution also.

Attempts have been made by the Government to control Air pollution as well as water pollution. But the experience is that the Government has not so far succeeded, in its attempt to prevent the

air and water pollution. There are many failures and these failures are because of the lack of will on the part of Government to implement the provisions of the law. On the one side the laws are not stringent and on the other side their implementation is not proper.

Sir, I would like to mention here that the Chairman of the Central Pollution Board himself has complained that the pollution laws are weak.

PROF. N.G. RANGA (Guntur) : That is why this Amendment Bill has come.

SHRI D.B. PATIL : I understand it very well. The Chairman of the Central Board for the Prevention and Control of Water Pollution, Mr. P.C. Tyagi said, "Today legislation on controlling pollution caused by solid waste and industrial effluents was still ineffective and rules regarding it were not clearly framed." The rules are not clearly framed. Who is to be blamed? These rules are not there. The Government is supposed to frame the rules and the Government has failed. Even though we are enacting such strict laws, until and unless they are implemented properly, they are not going to help.

Now, I would like to know how far the Government is serious in the proper implementation of these laws? In our 1986-87 Report, it has been mentioned that there are some National Ambient Air Quality Monitoring Stations. Under that scheme certain stations were sanctioned. During the period 1984-87, in total 75 stations were sanctioned and by the end of December 1986 only 43 were functioning and 32 were not functioning. I fail to understand that when the sanction for 75 stations, to see whether the air is polluted or not, was given why till the end of 1986 only 43 of them were in the working condition.

Then again, after going through this list, I find that only 21 cities have been covered which does not include the Bombay and Calcutta. So far as the air pollution is concerned, Bombay and Calcutta are the worst affected areas. In Bombay, air pollution is caused because of the big industries. If I may say so, Sir, the industrial

[Shri D.B. Patil]

magnates are coming in between the sanction of the stations at Bombay and Calcutta. I would like to have a clarification from the Hon. Minister on this point.

Now, Sir, for the actual implementation, the Supreme Court has to intervene. The matter has gone to the Supreme Court. But now this Bill makes the provision for taking action against or holding erring companies responsible. This amendment is welcomed. Till now companies were not held responsible but now by this Act it is being done and I welcome it, Sir. But there too, the Supreme Court had to intervene and ask the Government to launch prosecution against the offenders.

As far as air pollution and water pollution are concerned, it is a question of life and death to those who live in the nearby areas. Because of air and water pollution, damage is caused to human beings, cattle, both cereal and pulse crops, vegetables, fruits and fish. The fertility of the fruit-bearing trees and the life span of shrubs, etc. are also getting reduce due to pollution. It is really an irony of fate that while on the one hand we are talking about planting more and more trees and improving the environment by making stricter was to curb pollution, because of that very pollution, trees are being affected. Yesterday, our hon. friend Shri Patil asked the Government about the performance of the public sector units in this regard. Our experience proves that the performance of public sector as far as environmental safeguards are concerned is not at all good. I may cite an example of my own constituency where there is a big central public sector complex called the Hindustan Organic Chemicals. There is also another public sector unit of the State of Maharashtra which also manufactures fertilizers. These two public sector industries are causing air and water pollution. Since last eight years, agriculturists are complaining about loss of various crops, loss of fruit and loss of vegetables. They are also suffering from many other damages caused by air and water pollution.

In 1981, a survey called the Ambient Air Survey was conducted and as per the results of the tests carried out, it can be

seen that the micro analysis of particulate matter show that the fluoride content is more, which is known to be more damaging to crops and vegetation. It is stated that it may be due to the emission from the Maharashtra Agro Industries Development Corporation. I would like to draw the attention of the hon. Minister and hon. House to the high percentage of pollutants in this particular area. As far as sulphuric dioxide is concerned, the standard prescribed by EPA is 60, while the average of the area is 102. For particulate matters the standard is 75 while the area under survey has 578.2. So far as fluorides are concerned, while the standard minimum is 10, the area has registered 249.9. All these pollutants are found in such high doses only because of these two public sector units. It is highly disappointing to note that there is no improvement till now in the situation. This very year, because of this air pollution, paddy crop in an area of about 100 acres is totally lost. But the agriculturists have not received any compensation for the damage caused to their crops. As I mentioned earlier, vegetable and fruit production is also affected and the cattle are also suffering because of pollution. But no compensation for all these damages is ever paid to the the agriculturists. A large number of fish also died due to water pollution. But everybody is going scotfree. In this Act, there is no provision to give compensation for damages caused by pollution. I would urge that Government should make a provision in the Bill for this purpose too. A particular individual may claim compensation for damages under different legislations. But we cannot expect individuals to approach all these laws to get redressal. So, a suitable provision for this purpose should be made in the Act itself.

So far as the air pollution is concerned, in a city like Bombay which I have just mentioned, the main cause of this pollution is due to emission of smoke by cars, buses, trucks and so many other things. It can be checked. But no attempt has been made by the Government to check this pollution. Here the power is being taken by the Central Pollution Control Board. If the State Boards do not function properly, the Central Board can take certain action. It is there in the Act. That

is a welcome step. But I have my own doubts regarding the framing of rules and its implementation by the Central Boards.

15.56 hrs.

[MR. SPEAKER *in the Chair*]

So far as this Act is concerned, it has been provided here that the private parties are also given powers to prosecute people against the air pollution. It is a very welcome provision. But I fail to understand why the restrictions are put up on the private persons, when you give them power to prosecute against air pollution.

In Clause 43, it has been said that "any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid..."

Sixty days is a very long period. The duration should be short. Because we do not know within sixty days, if the matter is serious, the consequence will also be very serious. It has been provided that "where a complaint has been made under clause (b) of sub section (1), the Board shall, on demand by such person, make available the relevant reports in its possession to that person." It is all right. Until and unless, a particular person gets the relevant papers, he will not be in a position to prosecute. But it further says that "provided that the Board may refuse to make any such report available to such person if the same is, in its opinion, against the public interest."

I fail to understand that papers relevant to air pollution which private persons may be seeking should be treated as "against the public interest."

I request the Government that this proviso should be withdrawn.

SHRI SRIBALLAV PANIGRAHI (Deogarh) : Mr. Speaker, Sir, I rise to support the Air (Prevention and Control of Pollution) Amendment Bill, 1987 brought forward by the hon. Minister, in charge of environment. This is a very important Bill, as it deals with the very

survival of human being and also the plant life in this planet.

Environment pollution—air pollution, water pollution and all sorts of pollution—as you know is the slow agent of death and this was very much highlighted for the first time in the World Conference on Environment held at Stockholm in 1972 and India under the leadership of the then Prime Minister Madam Indira Gandhi, played a very important role in that Conference. That helped a great deal all over the world to bring increasing awareness about environment and about pollution. Since then—as follow-up measures of that Stockholm Conference many countries have passed laws and we in India also have several pieces of legislation. We have passed our Environment Act in 1986.

16.00 hrs.

This very Bill which we are amending presently, also dates back to 1981. This Bill is quite commendable, with many welcome features. It is a rather revolutionary Bill.

In this country, we do not have any dearth of good, progressive laws. What is wanting is their proper implementation. That is why on various occasions in this august House we criticise the faulty implementation of different laws, particularly in the States. The State administrations do not lay proper emphasis on the right type of implementation, or implementation in the true sense by letter and spirit of the law.

For the first time, as far as I can see, there is a serious departure, viz. when the State Boards particularly with regard to control of pollution cannot discharge their responsibilities, or cannot discharge their obligations properly, at that time the Central Board is now authorized by this Bill to do something. That is why I call it a revolutionary Bill. I congratulate the Government for having brought forward such a Bill because in our federal system, we have the States ; the States will be having their legislative powers, and they are called upon to discharge their responsibilities. But when they fail, the Central Government has so far expressed helplessness. They have come forward only with this reply. 'We have addressed letters to the

[Shri Sriballav Panigrahi]

State Government; we have given them warnings, and we have sounded them. We will communicate your feelings to the State Governments.' But now, the Central Government cannot come up with that plea. This means that they are quite serious about this very important aspect of environment, i.e. to minimize pollution to eardicate pollution. Now, when the States fail naturally the Central Board will have the power to take over the functions of the State Boards. This is quite welcome.

There is nothing to oppose in this Bill. This Bill, as indicated in its Aims and Objects, says that this amendment is suggested in consultation with the State Governments, and with the concerned Central departments. There can be nothing better than this. The States have been consulted. Now; to some extent if they fail, their powers can be taken away.

We have to be conscious not only of environment, but also of the need to develop; and we have to have a rapid development in the field of industries, etc. So much of developmental activity has taken place in India since independence, inasmuch as India is one of the ten most industrially advanced countries of the world now—India, which was not capable of producing a pin at the time of independence, is now considered as one of the most Industrially advanced countries of the world.

When industries come up, naturally they will contribute to pollution. So, we have to take notice of that aspect, and we have to control it. What should be the approach? The right approach now is for us to develop the two together, viz. development with environmental protection, development without damage, development without destruction. That way, it brings in a very stupendous task and responsibility for the State administrations and for the Government of India.

Although we have realized this, the reality is that despite the existence of State Pollution Boards, the environment or the control of pollution is in a deplorable state of affairs. I believe that with the

passing of this Bill, there will be a lot of improvement in this regard. There are certain objectives—I am not going to outline them; the Minister in his initial remarks has outlined them. The overall objectives of the present amending Bill are to strengthen the present legal and constitutional set up, and to implement the present law effectively, with the cooperation of the people. The seriousness the Government of India and our Prime Minister attach to the elimination of pollution and the preservation and maintenance of ecology is quite evident from the speech he delivered recently in the United Nations. In that speech he correctly and rightly laid much emphasis on this environment.

I support this Bill and the same time I would give some suggestions to the Government of India for their consideration. Whenever there is a proposal for industries coming up, this environment side has to be censured, an in-built system has to be provided, and it should be a part of the clearance given to them. At the same time, where the old units are existing, there should be a time-bound programme, a phased programme, so as to provide the required technical and mechanical devices to control pollution. This should be there even when small entrepreneurs are there setting up small units. Of course the Pollution Control Board is now authorized to ensure this, and to give some assistance where necessary. The small units can be given assistance by way of borrowing from the people, etc., and at the same time there should be bank finance assistance also to small private businessmen to deal with this menace of pollution and air pollution.

At the time there are different laws for air pollution, water pollution and environment pollution. I would suggest that they should be integrated into one. After all, environment as a whole is a matter of concern for all of us and I think it will serve better purpose and that too effectively if they are put into one law—water pollution, air pollution, environment pollution all together. And at the same time for the first time noise also is now brought under the purview of this Bill. Noise contributes a great deal towards air pollution. Again, it is a matter of shame that there are many public undertakings, private undertakings and all of them are not

attaching any seriousness to this aspect. They should equally realise this task. There are other undertakings which are lethargic in their attitude to this problem.

With these words I support the Bill and I believe that this is a serious departure, it is a revolutionary bill and I also hope that the seriousness that has been expressed by the Government of India will percolate to the States and the lower levels and we will have better days in the field of environment. Of course the development programme may cause some pollution. The new industries coming up may also cause pollution. But these pollutants have to be properly neutralised and programmes like planting of trees should also be undertaken. I fully support this Bill and I earnestly express once again that this will be a turning point in the field of environment and ecology of our country.

MR. SPEAKER : Shri Ramashray Prasad Singh,

SHRI RAMASHRAY PRASAD SINGH (Jahanabad) : Mr. Speaker, Sir, I would like to express my views on the Air (Prevention and Control of Pollution) Amendment Bill, 1987. This Bill had been enacted in 1981. Some of the hon. Members said that we have a large number of laws in our country.

What is the use of enacting new laws when pollution can be checked by the existing laws? Who caused pollution? Today we seem to be so much concerned about environment. But who took recourse to deforestation? There is a rule that trees will be felled only when others in their place have been planted. It is the Government which had the trees cut. A handful of selfish people joined hands and became millionaires overnight by felling trees. Today the Government is concerned about pollution and is paying attention towards both air and water pollution. It may be observed that sewage from several towns is falling into the Ganga river and polluting its water. So, before enacting the law, the Government should make arrangements for draining out the sewage to some other place. Then only pollution can be controlled. So long as the sewage continues to fall into the Ganga river, the

pollution cannot be controlled and your spending crores of rupees in this regard will not help in any way. It is a good thing that the Government is planting trees which can go a long way to control air pollution and is making provisions in the law for this purpose.

Previously, the State Governments were enjoying this right. But they proved unequal to the task. Since ours is a federal State, the Central Government cannot override the authority of the State Governments. Further, the Central Government acts as a co-ordinating agency. Therefore, it should monitor the work of the State Governments and exercise pressure on them to carry out their work properly. If they fail to discharge their functions properly, then they deserve to be pulled up by the Central Government. But now that the Central Government has taken over the work of the State Governments, it can control the pollution if it makes sincere efforts in this direction because pollution has posed a threat to human life.

Thirdly, he has said that environment also causes pollution. Environment can be purified only when these two suggestions are implemented. Therefore, the Government should make efforts to free the environment from pollution. In this context I would like to submit that the dirty water from the house-drains of cities is being drained into Ganga and other rivers from where poor people residing on the banks of these rivers fetch water for drinking purposes. They drink this contaminated water and fall victim to various diseases. First of all, this must be checked. Then only it can be said that the Government really means business and is eager to control water pollution.

With these words, I conclude.

[English]

SHRI A. CHARLS (Trivandrum) : Sir, the Air (Prevention and Control of Pollution) Act 1981 has been brought forward to remove certain difficulties that were being experienced in the implementation of the Air (Prevention and Control of Pollution) Act 1981, which is being implemented by both the Central and State

[Shri A. Charls]

Governments and the Central and State Boards.

I support this Bill mainly because of two reasons. The chief reason of course is the urgent need to control pollution which has grown into such a larger dimension threatening the very survival of the millions of the people of this country. Before coming to this larger issue, I would like to point out another equally important policy involved in this piece of legislation, which to me appears that it is a new beginning in the right direction.

Sir, on many occasions whenever very serious matters which affect the life of the people or when undue hardship is caused to them are brought to the notice of this august House, the usual reply given is that it is a State matter and the Centre has nothing to do with it. For example, take the case of law and order situation. When the law and order situation worsens and innocent people are being butchered and normal life is totally disrupted, the Centre is unable to do anything since the law and order is a State subject. This legislation envisages a shift in that policy. When the State Boards fail in implementing the provisions of the 1981 Act, this amendment empowers the Centre to act and to act in a very effective manner. This is a very bold step and I support this amendment with all the strength at my command.

Coming to the environmental problem, the facts are really staggering. It is reported that between 100 million and 150 million hectares of India's land area is rapidly turning into a desert. Every year 2.5 million hectares deteriorate into wasteland. Almost 70 per cent of all available water in India is polluted. The reports reveal that even the high altitude lakes are dying because of pollution.

In the case of air pollution whereas in several major cities of the West air pollution levels are going down, in India they are going up. The Bhopal disaster and the subsequent gas leaks in Bombay and Delhi show the great risk involved in the environment that we live in. Under the circumstances, all possible steps should be taken

to check further deterioration of the situation. It is to achieve this objective that amendment has been brought forward.

In this connection, I may also point out the recent work done in the Ganga action plan. I had an occasion to go to Varanasi and see how the work was being implemented. It was a thrilling experience to see that about 10 kms from Rajghat to Ashighat the Ganga is being cleaned under the present plan. Such work really brings in new life to this country. A new section which is being added to the Act empowers the Centre to go into the areas where the States fail. This is really commendable. So also the proposal in the Bill to enhance the punishment is welcome.

In my constituency, Travancore Titanium Products Company is the largest industry and it has earned about Rs. 4 crores as profit last year. But it is contaminating the whole sea. Several lakhs of fishermen, who depend on fishing, are now on the verge of starvation. Various proposals given to the industry are not being implemented. I request the hon. Minister to look into this aspect also.

The other thing is noise pollution. Section 2 brings noise pollution under the ambit of this Act.

Noise pollution is creating a lot of problem. Loudspeakers, very powerful horns in cars, etc. are creating a nuisance.

Before concluding I may also point out that we must do something to improve the industry also. There are certain modern projects with updated technology for controlling pollution. The Board shall not only be responsible for enforcement of laws but also provide advisory and technical services to the industries by preparing model schemes for implementation of standards and pollution controls. Industry should be asked to take immediate and effective steps to eliminate pollution within a specified time-limit. Industries should be provided with the knowhow and pollution control equipment. Model schemes for implementation of pollution standards shall be prepared by government agencies. If this is done, it will go a long way both for the growth of the industry as also control of pollution.

With these words, I support the Bill.