

15.01 hrs.

**AIR (PREVENTION AND CONTROL OF POLLUTION) BILL**

THE MINISTER OF PARLIAMENTARY AFFAIRS AND WORKS AND HOUSING (SHRI BHISHMA NARAIN SINGH): It is a matter of great pleasure to me to pilot the Air (Prevention and Control of Pollution) Bill, 1980.

I am sure all the Members will agree with me that the problem of air pollution in the country, though not so serious as that of water pollution, should not be neglected as some of our cities like Delhi, Calcutta, Bombay, Kanpur, etc. are already feeling the effects of air pollution. It has, therefore, become necessary to bring in legislation to control air pollution as prevention is always better and cheaper than cure and this is especially so in environmental pollution control matters.

Before bringing in this legislation, an exercise was made in my Ministry whether the existing legislations could be suitably modified to deal with this problem. Though there are certain provisions in the Factories Act, Criminal Procedure Code and in legislations like Some Nuisance Act, they have been found to be inadequate. Hence the need for a comprehensive legislation to deal with all aspects of air pollution was felt. An Expert Committee appointed for the purpose recommended a Central Act and suggested a draft Bill also. This draft was duly examined and eventually a Bill to provide for the prevention and control of air pollution was introduced in the last Lok Sabha on the 17th April, 1978. The Bill was referred to a Joint Committee of the two Houses under the Chairmanship of Dr. Karan Singh. The Committee considered the Bill in detail and presented its report to the Lok Sabha on the 18th May, 1979. The Bill, however, lapsed with the dissolution of the Lok Sabha. All the recommendations of the Joint Committee of the Houses have been incorporated in the present Bill.

In the U.N. Conference on Human Environment held at Stockholm in 1972 in which India also participated, decisions were made to take appropriate steps for the preservation of natural resources of the earth which, among other things, included preservation of the quality of air and control of air pollution. The Bill seeks to implement the decision relating to the preservation of the quality of air and control of air pollution.

The present thinking in environmental pollution control matters is to have an integrated approach. To give effect to this approach, it has been provided in the Bill that the Water Pollution Control Boards established under the Water (Prevention and Control of Pollution) Act, 1974 will, in addition to their normal work, perform the functions of air pollution control also as per the provisions of this Bill. This will not only facilitate co-ordination but also will result in economy. The Bill will be enacted by virtue of Article 253 of the Constitution of India.

Sir, a few more words about the salient features of the Bill. This Bill will apply to the whole of India. The Central Board for the Prevention and Control of Water Pollution established under the Water (Prevention and Control of Pollution) Act, 1974, will not act as the Central Board for the Prevention and Control of Air Pollution also. The State Boards for the Prevention and Control of Water Pollution established by State Governments who have adopted the Water (Prevention and Control of Pollution) Act, 1974, will perform the functions of the State Air Pollution Control Boards also. In the States which have not yet adopted the 1974 Act, the new Air Pollution Control Boards will be set up. However, we are requesting those States also to adopt the 1974 Act and constitute the State Boards so that there will be uniformity all over the country.

The State Governments will first declare the air pollution control areas

In such areas, industries specified in the Schedule to the Bill will have to obtain consent from the respective State Boards for discharging emissions from their factories. The State Boards will lay down the specifications for emission discharge and the particulars of the control equipment, that should be put up to abate air pollution. Failure to comply with the consent conditions will render the industrial units liable to prosecution. However, reasonable time will be given for existing industrial units to instal the control equipment.

The State Governments will also issue necessary instructions to ensure that the automobile exhausts do not exceed the specifications laid down by the respective State Boards. This Bill will, however, not apply to ships and aircrafts.

With these words, Sir, I beg to move.\*

"That the Bill to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards, powers and functions relating thereto and for matters connected therewith, be taken into consideration."

MR. DEPUTY-SPEAKER: Mr. Daga. You have given notice of an amendment. Are you moving?

SHRI MOOL CHAND DAGA: No, Sir.

MR. CHAIRMAN: All right. Motion moved:

"That the Bill to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to

such Boards, powers and functions relating thereto and for matters connected therewith, be taken into consideration."

Shri Narayan Choubey.

SHRI NARAYAN CHOUBEY (MIDNAPORE): Sir, when the entire political atmosphere of this country is being polluted with the pollutants like the National Security Act, abetted and aided by the capitalist part of the development, by the ruling party, the Bill has been brought forward by the hon. Minister, to support this Bill. But, Sir, I beg to submit whether the Government will be able to put into action this provisions contained in this Bill, I have got my own doubts about it. Why I say this is because of this. The U.N. Conference on Human Environment held a conference in 1972. To this India was a party. We brought a Bill and enacted that into law known as Water Pollution Prevention and Control Act in 1974—it took two years to bring forward this Bill in the year 1980. Though it is a good Bill, I do not know as to what I should say. You are empowering the same Central Board for Prevention and Control of Water Pollution to exercise the power under this Bill. It should be done. I do not object to this. Looking to the entire environment, it should be done. I beg to submit as to what has been the performance of this Water Pollution Prevention and Control Boards? As the phrase goes, the proof of the pudding is in the eating. A doubt now arises that although this Bill has been brought forward, look at the *Hindu* of Madras, November 20, 1980 as to what it says. In the whole of Calcutta City, Hooghly is polluted. You also know that in Delhi, even the Yamuna water is polluted. This is what the paper says:

"You see in the metropolitan areas. Such conditions are there even today. For example, the Cooum, the Buckingham Canal and Adyar river

\*Moved with the recommendation of the President.  
3009 LS-4.

[Shri Narayan Choubey]

in Madras City, for all practical purposes, have so much of water wastes; they are unfit for traditional water use such as bathing, fishing and recreation."

So, this is the way how the Board has functioned.

Now, I come to air pollution. Actually this Bill should have been brought much earlier and action should have been taken much earlier. Sir, if you go through the pages of *Business Standard* dated 23rd February, 1980 you will find how horrible the situation in and around Calcutta is because of lakhs of small ovens burning coal and thus polluting the atmosphere. It is mentioned that autos cause 40 per cent air pollution. This is what is happening.

Sir, although we support this Bill yet we are afraid how far the government will be able to do justice. It can be done provided there is will. Will to bring a Bill and will to implement the provisions of the Bill are two different things. Sir, my impression is that the government has brought this Bill only to show to the international world that India is also a party to all such good things. I have my doubts about the implementation. If you really intend to save water, air and atmosphere from pollution then you have to control the big tycoons. But you dare not touch them. I hope that you will actually be bold enough to implement the provisions of the Bill which are really good. If you fail in the implementation part of it then you will have to face the criticism in the House. With these words I conclude.

श्री शिवकुमार सिंह ठाकुर (खंडवा) :  
सभापति महोदय, हमारे योग्य मंत्री ने जो वायु प्रदूषण निवारण तथा नियंत्रण विधेयक 1980 प्रस्तुत किया है उसके समर्थन के लिए मैं उपस्थित हूँ। आज हम देखते हैं कि हमारे देश के जो बड़े नगर हैं, बम्बई, कसकता दिल्ली, मद्रास वगैरह

इन शहरों में लोगों का जीवन कितना दूभर हो गया है। पहले जो एक स्वच्छ हवा में और स्वस्थ वातावरण में वे लोग रहते थे आज वह नहीं रह गया है। दिन पर दिन हमारे देश में वायु का प्रदूषण हो रहा है, भले ही वह मोटरों के धुएँ से हो या शहरों के निकले हुए कचरे से हो या नालों के गन्दे पानी से हो या वनों के कटने से हो, पूरा का पूरा वातावरण हमारे देश का एक प्रकार से दूषित हो रहा है। जन-जीवन में हम लोग आज देखते हैं, जो बीमारियाँ पहले हुआ करती थीं उससे कहीं अधिक बीमारियाँ बढ़ती जा रही हैं। जितनी नई नई औषधियों का निर्माण हमारे साइंटिस्ट्स करते हैं उतनी ही ज्यादा बीमारी हमारे देश में बढ़ती जा रही है। उस का सब से प्रमुख कारण यही है कि आज हमारे जनमानस को स्वच्छ वायु नहीं मिलती है। इस से हमारे देश में जो एक स्वस्थ मस्तिष्क और स्वस्थ शरीर का विकास होना चाहिए वह नहीं हो पा रहा है।

स्टाकहोम में जून, 1972 में पर्यावरण पर जो कांफ्रेंस हुई थी, जिसमें हमारे देश की नेता, श्रीमती इन्दिरा गांधी ने भाग लिया था, मुझे प्रसन्नता है कि हमारी नेता और मंत्री महोदय उस कांफ्रेंस के निर्णय के अनुसार इस बिल को पार्लियामेंट में लाये हैं।

हमारे देश में जो वायु-प्रदूषण हो रहा है, उसको रोकने के लिए हमें बहुत सी बातों की ओर ध्यान देना पड़ेगा। परमाणु शक्ति के कारण भी पूरे विश्व में वायु-प्रदूषण काफी हद तक बढ़ गया है। परमाणु शक्ति हवा की परतों पर तेरता हुआ एक खतरा है। निभिकीय विखंडनों से वायु दूषित होती जा रही है। इस ओर भी न केवल भारत का बल्कि पूरे विश्व का ध्यान जाना बहुत आवश्यक है।

अभी तक जितने भी परमाणविक बिस्फोट किये गये हैं, वे सभी रेडियो-सक्रियता की

बढ़ाते हैं। 1956 में विज्ञान की राष्ट्रीय अकादमी की कई कमेटियों ने बताया कि सन् 2000 तक ये प्रभावित पीछे इतनी फ्रिज्डन 85 गैस निकाल देंगे कि यह मात्रा ही उत्तरी गोलार्ध के मध्य अक्षांश को पूर्ण रूप से रेडियो-सक्रिय कर देगी। आयोडीन-131 जैसी भारी गैसों ने इस रेडियो-सक्रियता को और अधिक बढ़ा दिया है। अनुमान है कि सन् 2000 तक यदि विखंडनों की दर इसी तरह बढ़ती रही, तो स्ट्रांशियम-90 का प्रभाव सारी धरती पर फैल जायेगा। रेडियो आयोसोटोप्स के कारण पूरे विश्व का जन-जीवन खतरे में पड़ जायेगा। विश्व के लोग किडनी, ब्लड प्रेशर, एस्थमा, श्वास-रोग और मस्तिष्क रोग जैसी नई बीमारियों के शिकार हो जायेंगे। इस तरफ ध्यान देना बहुत आवश्यक है।

आज हमारे देश में लगभग तीस हजार रासायनिक तत्व पर्यावरण में बिखर रहे हैं। हर साल सैकड़ों नये रासायनिक तत्व बाजार में आ रहे हैं। उनके कारण भी जन-स्वास्थ्य खतरे में पड़ गया है। उनमें से 20 तत्व ऐसे हैं, जो मनुष्यों में और 137 तत्व ऐसे हैं, जो पशुओं में कैंसर पैदा करने की पूरी-पूरी सम्भावना लिये हुए हैं। इस तरफ भी ध्यान देना बहुत आवश्यक है।

अभी मैं एक रिपोर्ट पढ़ रहा था, जिसमें बताया गया है कि बम्बई में प्रतिदिन 7 टन हाइड्रोजन सल्फाइड, 14 टन अमोनिया, 106 टन नाइट्रोजन आक्साइड, 120 टन सूक्ष्म धूल, 160 टन सल्फर डाई-आक्साइड और 265 टन कार्बन मोनो-आक्साइड वातावरण में मिल जाती है और वहां के लोगों के स्वास्थ्य पर बुरा असर डाल रही है। इसलिए यदि हम इस बारे में उचित समय पर कदम नहीं उठावेंगे, तो आगे चल कर हमें बहुत ही भयानक परिणाम देखने को मिलेंगे।

घरबों किचनल खाद्य वस्तुओं का कचरा फेंक दिया जाता है, उससे भी हमारे जन-स्वास्थ्य पर काफी बुरा असर पड़ रहा है। वह सारा कचरा नदियों में जाता है, जिससे वे दूषित होती हैं। उदाहरण के लिए अन्नानास का रस निकालने के बाद उसका 80 प्रतिशत भाग कूड़े में फेंक दिया जाता है। गन्ने की पिराई के बाद 10 करोड़ टन बग़ास प्रति वर्ष निकलता है, जो हमारी नदियों में जाता है और जन-स्वास्थ्य पर बुरा असर डालता है। इस प्रकार बर्बाद होने वाली चीजों के उपयोग के तरीके खोजे जाने चाहिए।

वैज्ञानिकों ने बार-बार यह चेतावनी दी है कि पृथ्वी का वायु-मंडल गर्म होता जा रहा है, जिसके कारण हमारे वायु-मंडल में सीओ<sup>2</sup> गैस काफी अधिक मात्रा में बढ़ती जा रही है। वैज्ञानिकों के अनुसार वायु-मंडल की गर्मी में बढ़ोतरी 1 डिग्री सेंटीग्रेड तक हो चुकी है और अगर यह बढ़ोतरी 3.5 डिग्री सेंटीग्रेड तक हो गई, तो उत्तरी और दक्षिणी ध्रुवों की बर्फ पिघलने लगेगी, समुद्र इतने ऊंचे हो जायेंगे कि बन्दरगाह डूब जायेंगे, फसलें मरने लगेंगी और विश्व भर में महामारियां फैल जायेंगी।

इसके अतिरिक्त हमारे वन कटते जा रहे हैं। 1951-52 से लेकर 1975-76 तक 41.35 लाख हेक्टेयर वन उजड़ गये हैं, जिसके कारण वायु-मंडल में कार्बन डाई-आक्साइड की मात्रा बढ़ती जा रही है। हिन्दुस्तान के प्रत्येक प्रदेश में वन उजड़ते जा रहे हैं। केरल की साइलेंट वैली के लिए भी खतरा उपस्थित हो गया है। परसों माननीय सदस्यों ने इसी सदन में फारेस्ट (कनज़रवेशन) बिल सम्बन्धी डीबेट में भाग लेते हुए बताया था कि इस प्रकार हमारे देश की स्थिति भयानक होती जा रही है। आज विश्व की आबादी 390 करोड़ की है और विद्वानों के अनुसार सन् 2000 में यह 780 करोड़ हो जाएगी।

एक व्यक्ति हर साल 50 लाख मीटर वायु को कार्बन डाई-आक्साइड में

[श्री शिव कुमार सिंह ठाकुर]

बदल देता है। इस प्रकार से यह हमारी कल्पना के बाहर है कि कितनी भयानक स्थिति हो सकती है और इस चीज का हमारे देश के लोगों के स्वास्थ्य पर कितना भयानक असर पड़ेगा।

माननीय सभापति महोदय, औद्योगिक विकास के कारण दस वर्ष पहले जितनी प्राण-वायु में 43 व्यक्ति सांस लेते थे, आज उसी प्राण-वायु में तीन व्यक्ति सांस ले पाते हैं और इस प्रकार हमारा सारा वातावरण बदल रहा है। वर्षा समय पर नहीं होती है, कहीं-कहीं पर हमारी पृथ्वी का वायु-मंडल गर्म होता जा रहा है। इसलिए हमारे साइंटिस्टों ने, वैज्ञानिकों ने जो हम को सलाह दी है, उसको रोकने के लिए, उस पर अमल करने के लिए यदि हमको कठोर-से-कठोर कानून पार्लियामेंट में लाना पड़े, तो वह लाना चाहिए और उसको कानून का रूप देना चाहिए।

बनों के काटने से और नदियां गन्दी होने के कारण हमारे देश का सारा वातावरण बिगड़ता जा रहा है। इसके लिए मैं माननीय मंत्री महोदय का बड़ा आभारी हूँ कि वे इस प्रकार का बिल संसद में लाए हैं। इसके साथ ही साथ मैं विरोध पक्ष के लोगों से भी निवेदन करना चाहता हूँ कि ऐसे सार्वजनिक हितों के मामले पर कोई विरोध नहीं करना चाहिए।

इन शब्दों के साथ मैं, सभापति महोदय, आपका बड़ा आभारी हूँ कि आपने बोलने के लिए समय दिया।

SHRI KRISHNA CHANDRA HALDER (Durgapur): Mr. Chairman, Sir, I would like to support the object of The Air (Prevention and control of Pollution) Bill, 1980. The National Environmental Engineering Research Institute, Nagpur, has confirmed that cities like Calcutta, Bombay and Delhi are facing the problem of pollution. There are vast industrial areas in and around these cities. In these cities

water and air are polluted due to the establishment of a large number of industries in these areas. Many of the industries do not observe the necessity of purifying the effluent discharged by them and also they do not take necessary steps for preventing pollution of air in these areas. Sir, already the Central Board for the Prevention and Control of Water Pollution has been constituted at the Centre and in seven States there are State Boards for the Prevention and Control of Water Pollution yet to be constituted. I want to know why these Boards have not been constituted in seven States. I would also like to know the names of the seven States where these Boards have not yet been constituted. Sir, I understand that the Board for Prevention and Control of Air and Water Pollution will be entrusted with sufficient powers so that they can take stringent measures in order to prevent pollution of air and water. Sir, those States which have constituted this Board may be facing pollution problem in one part or the other of their State. But in my State, that is, West Bengal there is pollution of both water and air in Calcutta and Howrah regions and there is also pollution of water in the river Ganges and Bhagirati. There is a long industrial belt extending to Durgapur area and there is a newly developed area around Durgapur where cluster of industries have sprung up and these area are also polluted. The Asansol-Raniganj industrial belts are also polluting the water of the river Damodar; they are also polluting the air. In Durgapur there is one industry named Philips Carbons. The carbon generated by this factory is polluting the air at Durgapur. It is creating health hazards not only for the adults but for the women folk and for the children. Similar things are happening everywhere; in Bombay, Calcutta, Delhi etc.

It is very important to constitute these Boards in all the States. In West Bengal not only it should be constituted in Calcutta, but another

Board should also be constituted to supervise the water and air pollution in and around Durgapur, Asansol Raniganj industrial belt.

In this connection, I would like to mention that about three years back, the polluted water discharged from the fertilizer factory at Durgapur damaged about more than 5,000 acres of paddy crop of fifteen villages in and around village Bapnabera. I tried my best with Shri Patil, the then Minister concerned, now he has shifted to another Ministry; in fact, I have been trying for the last three years for the villages to get crop compensation, but I have not yet succeeded. Whether it is in the private sector or the public sector, all the industries which do not observe the rules and create water or air pollution, should be penalised for not following the provisions of the Act. Not only this legislation should be passed, but the Government should be very vigilant and see that this Act is properly implemented and for this there should be perfect cooperation and coordination between the Centre and the State Boards. Unless there is such coordination, it cannot be implemented properly. I would suggest that in order to oversee whether these Boards are functioning properly or not, there should be a parliamentary committee for the Central Board and similarly a committee of the State legislature concerned to supervise the working of the Boards in the States. This is a very important point. I hope, the Minister will accept my constructive suggestion.

On account of the water and air pollution, lakhs of people are dying in different industrial areas. About 70 per cent of our people are living below the poverty line and they do not have square meals twice a day. It is impossible for them to go to the doctors for their treatment, and actually though Mr. Shankaranand is here, but our Public Health Organi-

sation is not up to the mark so that it can cover all the industrial belts and the rural areas also. So, I would say, Sir, that there must be a Parliamentary Committee to supervise the functioning of the Central Board and a Committee of Legislature to supervise the functioning of the State Boards and if we can do this, I think, that the purpose of this Act would be served properly and it can be implemented properly. With these words, Sir, I support the objects of the Bill.

**SHRI XAVIER ARKAL (Ernakulam):** I also support this very important Bill, Sir, and I am happy that a Bill of this sort is brought forward at the fag end of this Session and, I am sure, that will be a real gift to the nation. Going through the statement of objects and reasons, we find that there are various kinds of pollutions in our country, but this is clearly stated with regard to air pollution alone. My main objection with regard to this Bill is that it has not included the noise pollution of our area.

**AN HON. MEMBER:** Which is there in the house?

**SHRI XAVIER ARAKAL:** Certainly. That also should be taken into consideration. That is a matter which also deserves the attention of this House. Sir, the time has come that this House ought to look into these health hazards in a proper manner. Therefore, I request the Hon. Minister to bring forward a Bill in the next session to control and prevent the noise pollution as well.

I am happy to refer to definition 'j' in the Definition Clause, Sir, wherein it is stated "omission means any solid or liquid or gaseous substance coming out of any chimney, duct or flue or any other outlet". Any other outlet, should be interpreted in a wide way. Thereby we can take the heavy vehicles going around on the roads. Those who drive will know and experience the fumes omitted by these

[Shri Xavier Arakal]

cars, lorries which do not have any safety valves or safety control system. I hope this definition will be taken into consideration in controlling this very dangerous substance coming from these cars and other things.

Sir, another point which I like to bring to the notice of the Hon. Minister is that under Clauses 3 and 4, the State Water Board will be given the power. Sir, this is a matter which ought to be looked into properly. At present, the Water Board is not functioning properly. Are they able to control the water pollution? I have seen some of the reports. Very deplorable. How can we entrust this work to the Water Boards? With the same staff and same facilities?

I shall take up the financial Memorandum later. This is a serious matter. My submission is that this Board ought to have been an independent Board, distinct and separate from the Water Board. Therefore, Clauses 3 and 4 ought to be re-considered if you sincerely intend to implement it.

Sir, another point is the Clause 15 which is about delegation of powers. I have consistently objected to this. Whenever a draft Bill is brought forward in this House, the draft rules should also be brought in, so that the House will have the opportunity to examine and criticize them here, because it is now democracy vs. bureaucracy. If we seriously intend to curtail bureaucratic control over this, the rules also should be brought in here.

Another point: I am not questioning the sincerity of the Government in bringing this; but going through the Financial Memorandum, I am sure many Members will accept what I say. At page 32, it is said:

"...the State Board constituted under this Bill will stand dissolved and the liability of the Central Government to meet the expenditure will also cease."

If the liability of the Central Government ceases, once the State Board is constituted, who is going to meet the expenditure? How are they going to meet the expenses? If you go through the Financial Memorandum, you will see that once this Bill is passed, it is not going to be implemented properly—just like the Water Board. Now, the notes on Clause 32 say that the Central Government have to make contributions to the State Boards to perform their functions under this Bill. However, this is covered by a proviso: "Nothing under in this Section shall apply to any State Board..." etc. etc.

They are interested only in money. What do they expect? I shall take the House to Clause 32. Unless sufficient funds are given, how can the Board function? How can they examine these things? How can they declare an area as air-polluted? How can the laboratories work? I cannot understand. Clause 32 at page 16 says:

"The Central Government may, after due appropriation made by Parliament by law in this behalf, make in each financial year such contribution to the State Boards as it may think necessary to enable the State Boards to perform their functions under this Act."

This is very ambiguous. Suppose the State Board is not willing to implement it, there, this clause comes in. Suppose the State Government wants to implement it, and is not in a position to implement it, there again this clause comes into operation. I am sure the hon. Minister has understood the meaning of this clause and will explain to this House how this fund is going to be given. Who will have the ultimate control over it? How will it be examined? This is a serious matter.

In paragraph 7, at page 33, it is said that Rs. 20 lakhs will be given for such a vital and important work. This Board is not going to function. As

a matter of fact, it will be a defunct Board. I have serious criticisms against the Water Board. The Ernakulam district in Kerala is one of the biggest air polluted districts in India. There is nobody to control it. If a scheme is given, there is nobody to implement it. We have aired this objection quite often. But there is nobody to control and supervise it. I suggest that this Board should be at the Central level, as a Central Board. Because it is a national health problem, it should not be given to the state government. A reluctant, unwilling, incompetent state government will not be able to implement it. I hope the hon. Minister will consider my suggestion. Other hon. Members said that a committee if necessary should go into this and examine the functions of the water board correlated to this board. With these words I support this.

SHRI H. K. L. BHAGAT (East Delhi): The Bill is very welcome and I compliment the hon. Minister for bringing it before the House. It has come belatedly; it has been pending for a long time and it was expected to bring some kind of integrated approach between prevention of air and pollution and prevention of water pollution and that is why in this Bill almost the same machinery, same arrangements have been provided, the same that exist for prevention and control of water pollution. In many states boards have been constituted; where they have been constituted, they will perform both the functions. It is a good thing that it has been done. Having remained in this Ministry and having some little knowledge of these things, I appreciate the feelings expressed by hon. Members about implementation. I do not blame the Boards at all. It is a question of approach, it is a question of will on the part of central as well as state governments to see that it is implemented. There are problems and difficulties. Even some public sector undertakings are sometimes not res-

ponsive. Right now, behind Mr. Bhisma Narain Singh is sitting Shri Vikram Mahajan. In Delhi DESU is creating pollution; then there is the DTC. A number of public undertakings are doing this; of course a large number of private industries pollute air and water. If they have to take preventive measures, they may have to spend a lot of money; it means strain on finances of those companies and therefore it becomes a question of going slow. If we go slow, things will become worse; they are becoming worse every day. Much more firmness is required on the part of government to see that the provisions are implemented. There have been certain reports that water tests carried out indicated an alarming situation in certain places. Not much could be done. My feeling is that a lot of very enthusiastic support by the government will be required to help these boards. My hon. friend was correct; they have no funds; funds should be provided by the central government. We cannot determine here how much funds will be given but I should appeal to the hon. Minister who is very sympathetic and sensitive to this problem that the Government should provide them with large sums of money. It has been put on low priority. What is required is to bring this matter to high priority. Today it may not look important; to my mind it has to be looked on as something very important. It says here that the state can appoint either a wholetime chairman or a part-time chairman; again it seems to be financial constraints involved in it. Personally speaking, I would not like a part-time Chairman, for an important matter like this. When you are going to have a technical, competent man for this, to ask for a part-time Chairman is something which does not appeal to me at all. Delhi, Calcutta and Madras, in fact all the principal cities of the country are affected by this problem. Water and air pollution go side by side.



[Shri H. K. L. Bhagat]

Talking of Delhi itself, the capital city of India, various nalas carrying sullage etc., pollute the Jamuna water. Some preventive measures have been taken, and that has, to some extent, saved the water supply in Delhi from the Wazirabad waterworks, but it is not a question of saving one waterwork, alone, but it is an all round problem. Apart from that, there are industries which discharge chemicals into the river. More than half of the population of Delhi—I am not making any revelation—does not have flush latrines, only dry latrines are there. A lot of sullage and chemicals are discharged into the water, and a lot of smoke is discharged into the air by various factories including public undertakings. The Jamna has been polluted very badly.

Some measures were taken, and I would request the hon. Minister, who is sympathetic to our problems, to go into this matter. I do not want to bring in politics into and affect this Bill with political pollution. What is required is a very firm handling of the whole matter, giving it priority, and persisting with a will against people. When you take it up, hundreds of industries will have to be served with notices, and lots of people will start running to you. I was also pressurised, but I appeal to you to be firm, give power to these Boards. This is in the interests of the country, in the interests of our people.

I very much welcome this Bill. I hope both in regard to water and pollution, you will take measures. The sewerage system of Delhi is totally inadequate. There are schemes which have been sanctioned, but not implemented. I hope you will look into all these things for a proper and integrated functioning of the prevention of air and water pollution.

With these words, I support the Bill.

**SHRI N. SELVARAJU** (Tiruchitappalli): I support the Bill being dis-

cussed on the floor of this august House. Hon. Shri Bhisma Narain Singh has done a signal service to the nation and also to the generations to come.

We have been talking about social evils and other problems that beset the country. There are many legislations to tackle the economic ills that plague the nation. There are a number of organisations at all levels of the Central and the State Governments, and also many voluntary bodies, to analyse, assess and advise on the steps to be taken for finding out solutions. But so far we have not paid adequate attention to the prevention of air pollution.

Air pollution is an inevitable consequence of industrialisation. That does not mean that industrialisation should be stopped just because of air pollution. Air pollution not only harms the present generation, but also the future. For example, the thermal power stations in the country pour out thousands and thousands of tonnes of ash content into the air. The belching chimneys of factories blow out the pure air from the atmosphere. Nature's bounty is being held to ransom by the machines created by man. We may not be able to subserve nature, but we try to submerge it by our creations, little realising that we will be submerging ourselves.

To illustrate the point, our rivers like the Kaveri Vaigai etc as also the beautiful beach of Madras, are polluted with industrial waste and human filth. In the rural areas where there is no drinking water supply, people drink the polluted river water which causes damage to their health. If their health is impaired, food production will dwindle, which will harm the entire nation.

A few months back an article appeared in the Readers' Digest published in India which details elabora-

tely the extent of air pollution in India.

We do not need an Atom Bomb or Hydrogen Bomb to destroy ourselves. The effect of air pollution and water pollution is worse than the dozens of hydrogen bombs. The hydrogen bomb instantly kills but pollution poisons the people and results in slow death of the nation as a whole. It seems we are not content with polluting the peoples life. We are now polluting the Eighth Wonder of the World—Taj Mahal with our Mathura Refinery. For the past many years we are talking about preventive steps but we have not taken any concrete steps. I hope this Bill ensures effective steps for preventing air pollution in the country.

With these words I conclude my speech and express my thanks for giving me an opportunity to speak.

श्री मूल चन्द्र डभा (पाली): सभापति जी, 1972 में स्टाकहोम के अन्दर एक मीटिंग हुई और 1980 में यह बिल आया। 1974 में आपने वाटर पॉल्यूशन बोर्ड बनाया। हिन्दुस्तान के एक मंत्री ने अभी कुछ दिन पहले भाषण दिया था कि गंगा का पानी कभी अपवित्र नहीं हो सकता। मुझे आश्चर्य हुआ कि यह कैसे और किसने बयान दिया है। आज सारी नदियां गंदे पानी के कारण खराब हो चुकी हैं और पानी का जो प्रदूषण हो रहा है उसके कारण मेरे जिले में सैकड़ों काश्तकार बरबाद हो चुके हैं। जो इंडस्ट्रियल एरिया अपने मुकर्रर किया है उसके कारण हजारों काश्तकार अपनी खेती से महरूम हो गये हैं, उनके कुम्भों तक का पानी खराब हो गया है। लेकिन आलूम नहीं मंत्री जी वाटर पॉल्यूशन बोर्ड और एयर पॉल्यूशन बोर्ड को एक करने जा रहे हैं कि नहीं। नौइस पॉल्यूशन बोर्ड कब बना भगवान जाने। एयर पॉल्यूशन बिल के सेक्शन 19 को आप पढ़ें तो आलूम होगा

कि इस सेक्शन से तो सी०आर०पी०सी० का सेक्शन 133 ज्यादा अच्छा है क्योंकि उसमें पब्लिक न्यूसेंस के अन्तर्गत चालान कर के मैजिस्ट्रेट उसको रोक सकता है जो न्यूसेंस पैदा कर रहा है। आपने कहा है कि एरिया डिमारकेट किया जाएगा और पहले सेन्ट्रल बोर्ड स्टेट गवर्नमेंट को पावर देगा और राज्य सरकार अपने अधिकारी को मुकर्रर करेगा और वह उसका प्रोसीक्यूशन करेगा। और उसके बाद इतना लैथी प्रोसीजर है कि जिसका ठिकाना नहीं। मंत्री जी एक बार मेरे शहर पाली में चल कर देखें कि जो आप बिल ला रहे हैं उसका इम्प्लीमेंटेशन कैसे हो रहा है। आपके में ताजमहल के बारे में वर्धराजन कमेटी ने रिपोर्ट दी है जिसमें कहा है: Vardharajan Committee Report was studied to advise the Government on the environmental impact on the Mathura Refinery, on the monuments in Agra region. The Committee were informed that representative of the Archeological Survey of India was also invited to participate in the deliberations and that he had made it clear that they would not like the refinery to be located at Mathura from the archeological point of view. The authorities further stated that under the present Act the Archeological sites and Archeological Refinery Act 1958—they did not possess the power to stop any industry being set up.

क्या आपका यह एक्ट जो रिफाइनरी से एयर पॉल्यूशन होगा, उसे बन्द कर देगा? हमने, राजस्थान वालों ने पहले ही कहा था कि मथुरा में रिफाइनरी को मत लगाइये, राजस्थान में इसे लगाइये, लेकिन इसे यू०पी० में लगाने के कारण हिन्दुस्तान का एतिहासिक जो ताज बना हुआ है जो कि एक अच्छा स्थान है उसका पॉल्यूशन होगा। उसके लिये आपके पास क्या उपाय है? मैं मंत्री जी से जानना चाहता हूँ कि श्री वर्धराजन की रिपोर्ट जो मैंने पढ़ी है, उसका इम्प्लीमेंटेशन कैसे होगा?

मेरा कहना यह है कि किसी भी इंडस्ट्री के लगाने से पहले उसका एन्टी-पॉल्यूशन

[श्री मूल चन्द डागा]

प्लान्ट पहले लगना चाहिये, लेकिन उसके बारे में इस एक्ट में कुछ नहीं है। आपने कह दिया कि देश में रिजिड कानून लागू नहीं करना चाहिये, आप हाफ हार्टेड मेजर लेना चाहते हैं तो देश में जो एयर पोल्यूशन हो रहा है, वाटर और नायज पोल्यूशन जो हो रहा है आप इसको कैसे बन्द करेंगे ?

मंत्री महोदय ने जो प्रोसीजर इसके बारे में किया है, वह बहुत लैग्गी है। मैं उनसे जानना चाहता हूँ कि आपने स्टेट्स में पहले वाटर पोल्यूशन बोर्ड बनाये, आपने यह भी कहा कि कई स्टेट्स ने वाटर पोल्यूशन बोर्ड नहीं बनाये, तो आपकी डायरेक्शन को कई स्टेट्स ने माना नहीं। मैं यह भी जानना चाहता हूँ कि जहाँ जहाँ वाटर पोल्यूशन बोर्ड बनाये गये वहाँ कौन-कौन सी नदियों में गन्दा पानी जाना बन्द हो गया और कौन सी जगह पोल्यूशन में कमी आई ? आपने सन् 1974 में जो एक्ट पास किया उसका इन 6 सालों में क्या इम्प्ली-मेंटेशन हुआ, मंत्री महोदय, 5, 7 इन्स्टांस तो उसके बतायें। ऐसा लगता है कि आप जो बिल ला रहे हैं, उसे गंभीरता से लागू नहीं करेंगे। मैं समझता हूँ कि इसमें गंभीरता कम है और आपने केवल नाममात्र के लिये बोर्ड बना दिया है जिनमें कुछ भी काम नहीं हो सकेगा। मुझे आशा है कि आप इस एक्ट को सख्त बनाने के लिये कार्यवाही करेंगे।

DR. SUBRAMANIAM SWAMY (Bombay North East): Mr. Chairman, Sir, this is a Bill which originally the Janata Government had initiated. As Mr. Daga pointed out, from 1972 to 1977, nothing was done. Then, the Janata Government brought this Bill, had it referred to a Select Committee and selected Dr. Karan Singh as the Chairman of the Select Committee which held several meetings and a Bill was prepared. Unfortunately, because of their great ability to perform conspiracy, our Government failed and we lost the elections. It is our foolish-

ness but their cleverness. I say 'our foolishness and your cleverness'. You can admit your 'cleverness' if you do not want to do that, let me say 'our cleverness and your foolishness'.

16 hrs.

The Bill, therefore, had to be brought by the new Government, and that is what has come. Anyway, I will congratulate the hon. Minister. This is very necessary; the Bill should have come much earlier, but, I suppose, he is not responsible for that because he was not in the Government before; he has come only now.

I have a special interest in this subject because the most polluted area in the whole country is Bombay, and in Bombay, my constituency. There are six constituencies in Bombay, the most healthy constituency is that of Mr. Ratansinh Rajda, and the worst area, the most polluted area, the poorest area, the area where all the slum workers and slum people live, is my area, where you have the fertilizer, Tata Electric, and all kinds of industries. Therefore, anybody will tell you about this area. The area of Chembur, which is a part of my constituency, is known popularly all over the world as 'Gas Chembur'—not Gas Chamber. Therefore, I have a special interest in this Bill.

It is quite clear that the two main contributors to air pollution are industry and motor-vehicles. I have read this Bill. I see hardly anything about motor-vehicles. There is something, but not enough. I will come to the details of the Bill very soon. Also what is there about industry is also very weak. In fact, this Bill will have very limited effectiveness. I would say, first of all, that we must know what pollution is, how to measure it, and what is the kind of research that is necessary. There is the National Environmental Engineering Research Institute in Nagpur. But this Research Institute is starved of funds, it does not have even enough people, there is no motivation, it is in the wrong place it is in Nagpur; it should

be where there is pollution like Bombay or Calcutta or Madras. Madras is catching up with pollution with people like—Mr. Dhandapani is not here; Mr. Maya Thevar is here—Mr. Maya Thevar around; the pollution is growing in Tamil Nadu.

The question is whether we have the know-how. The answer is that nobody really knows how to measure pollution. Because those who are polluting say, "Look at the indices, there is no pollution"; and those who say that they can feel the pollution, they smell it and they lose their health, are not able to effectively answer that.

Coming to the Bill, this be like another Monopolies Restrictive and Trade Practices Bill. This Bill, came in 1969 and after that, the assests of the monopoly houses started accelerating. In the same manner, pollution will only grow after this Bill. Please see the provisions of the Bill. This Bill has been drafted with a great deal of haste. Take for example, Clause 17(2). Clause 17(2) deals with State Boards. It reads:

"(2) A State Board may establish or recognise a laboratory or laboratories to enable the State Board to perform its functions under this section efficiently."

In the same Bill, there is another Clause, Clause 28, which says:

"The State Government may, by notification in the Official Gazette—

(a) establish one or more State Air Laboratories, or

(b) Specify one or more Laboratories or institutes as State Air Laboratories to carry out the functions entrusted to the State Air Laboratory under this Act."

Why this duplication? What is the point in having Clauses 17(2) and 28(1) when they amount to the same thing? Why is this Bill so badly drafted? You do not have any single omnibus Clause which can provide the

answer, which will be able to provide the scope for these Boards.

Similarly, take Clause 37 on punishment, that is the most important Clause because punishment ultimately gives an idea of your intention. What is the intention? It says that whoever fails to comply will be subject to such and such imprisonment for 3 months or fine which may extend to Rs. 10,000 or with both, and in case the failure continues, with an additional fine which may extend to Rs. 100 for every day during which such failure continues. Sir, this is a terribly small punishment for such a big crime. You note, this is the maximum, this is the ceiling. I am not saying that this is the minimum. In this, I would like to have some categorical assurance from the Minister that he will bring forward amendments in the future.

Then, what about offending units in the public sector? What punishment will be inflicted on the public sector? Sir, you will be surprised to know that the Fertiliser Corporation unit which is there in my area is polluting the whole area of Chembur in a very big way affecting the health of the people in that area. Now Sir, you will be surprised, Sir, the Rashtriya Chemicals of the FCI which is public sector organisation which is operating there, has not taken any permission from the Municipal Corporation of Bombay which has an anti-pollution law, for expanding its unit and the Municipal Corporation of Bombay has not given its permission for them. They have violated the law and they said, 'Hell with the Municipal Corporation Act' and have gone on constructing their unit. I have brought it to the notice of the government saying, 'Here is a public sector organisation which is not obeying the municipal laws of Bombay.' Sir, that is why I have brought an amendment which I will have an opportunity to move later on—where I have asked for very strict and stringent action against offending public sector units, because

[Dr. Subramaniam Swamy]

I would like to say that to-day the principal agency for pollution in the country is the public sector and to a lesser extent, the private sector. The private sector's quantum is much less and the public sector is the biggest offender and the public sector is breaking laws with impunity and without caring for the laws of the land. What is the punishment for them? Is he going to prosecute the government? There is no provision here that something like that is going to be done. If you fine the public sector unit Rs. 10,000, that is going to come out of our own pocket. That is not enough. There should be punishment of the management. That is not there in this Bill.....

SHRI H. K. L. BHAGAT: But that is not barred.

DR. SUBRAMANIAM SWAMY: For public sector offenders there is nothing here. I would like these things to be spelt out. I would not like it to be so vaguely worded like your MISA, National Security Act, etc.

Then, Sir, another most important thing that has not been included here is the power of the citizen to register complaints. In certain countries the citizens are given powers even to make arrests—what are called, citizen's arrests. Suppose a public sector organisation like the Fertiliser Corporation is making pollution, who is going to check? Who is going to inspect and arrest for pollution? If a citizen puts in a petition to that effect, it should be possible to register a criminal case against the offending authority. That provision is also not here. If it had been there, it would be a much better Bill.

In conclusion, I would say that there are big vested interests who are working to see that the anti-pollution provisions are not very strict. You know how powerful the car manufacturers are in the United States in the matter of preventing stricter anti-

pollution laws being enacted. I am quite sure that the vested interests will work overtime to see that this Bill remains a Bill on paper only. I would like to have an assurance from the Minister that he will go on strengthening and expanding the scope of this law till we get a fuller, comprehensive and a very strict anti-pollution law in the country.

SHRI RATANSINH RAJDA (Bombay South): Mr. Swamy has taken my name and my constituency. Sir, on a point of personal explanation.....

MR. CHAIRMAN: You want to say that your constituency is also polluted? He has praised your constituency.

SHRI RATANSINH RAJDA: That is not a fact, Sir. Please permit me two minutes....

MR. CHAIRMAN: No, please, you have given the information that you are also polluted. He says you are not polluted.

SHRI RATANSINH RAJDA: Personally, Sir, I am highly pure, as pure as a crystal. It is a question of constituency....

MR. CHAIRMAN: That is all right. Mr. Digvijay Singh.

SHRI DIGVIJAY SINH (Surendranagar): We all know, Sir, that the natural environment is the house in which we live which comprises of the air, the soil, the water, flora and fauna and the whole eco-system.

And within this eco-system, the air component plays a very cardinal role and therefore how we manage our atmosphere is very important. For instance, the term *homo sapiens* in the globe is for life itself. So, when I see the Bill being introduced and passed to-day, it is to me, a sense of great personal satisfaction. I distinctly remember having been a delegate in 1972 Stockholm Conference when the whole momentum for the concern for environment really grew and an awareness spread throughout our society that it became evident that

also irrespective of its level of industrialisation, will have to consider taking care of its environment.

16.11 hrs.

[SHRI HARINATHA MISRA in the Chair]

Soon after that, in 1974, we promulgated the Water Pollution and Control Bill and, the Air Pollution Control Bill was introduced, I agree, as Mr. Swamy said, during the Janata regime. But, Sir, it is erroneous to say that it was originated by the Janata regime. I, as a Member of the National Committee in Environment Planning and Coordination since the inception had been drafting this Bill—since 1974, when the Air Pollution Bill was introduced. It was on the anvil since 1974 and it ultimately got the shape of being sent to the Select Committee which went round the country to see how effectively this Bill would be implemented and I also followed this Committee. Unfortunately, Dr. Karan Singh is not here to substantiate what I say. The Select Committee went around and, I think, prepared an excellent report. It is all easy to find flaws and holes but, looking at the Bill comprehensively, it has been an excellent endeavour. I would like to clarify certain points raised by many other Members. I fully concur in the proposal given by Prof. Swamy that the citizens action committee should be supported. And even some sort of authority should be given to them whereby they can execute it. Their action can be taken cognisance of even in the Criminal Procedure Code. There, he has my full support. But, Mr. Halder talked about having separate State legislation. I do not see any need to have it. The separate Board suggested by my friend Shri Arakal also may be considered. But, in the initial stage, we have to see that the water and air pollution control board is strengthened. Let us at least strengthen one board before we try to have several separate boards. I would like to make one serious suggestion which, I am sure, the hon. Minister will consider. Ultimately, the moni-

toring of this Bill will be in the hands of the Ministry of Works, Housing and Supply.

Now, the Ministry of Works, Housing and Supply is the culprit which pollutes.

DR. SUBRAMANIAM SWAMY: That is right.

SHRI DIGVIJAY SINH: Therefore, the whole system of air and water pollution should be withdrawn from the precincts and the administrative control of the Ministry of Works, Housing and Supply and allocated to the newly formed full-fledged Department of Environment which was created last month by the hon. Prime Minister after a lot of effort throughout the year.

Sir, we talked about punitive measures. I do really concur with the suggestions made about having different set of standards for different types of pollutions. For example, the municipal pollution which is a biological pollution may have a different set of standards of punitive measures, industrial pollution may be a different set of standards, vehicles which emit carbon monoxide could have a different set of standards and power stations which emit Ash could have a different set of standards. All these are different types of pollutions which have different effects on the living system of living beings and some greater details should be gone into in evaluating the quantum and the type of pollution. This is the suggestion which I do make.

Air pollution in its legislative form is nothing new to us. There was even in the earlier days The Smoke Nuisance Act but it was not as comprehensive and it had a different connotation. But to what I would like to draw the attention of the House is that no matter how we legislate, the actual implementation matters and a legislation which regulates and controls activity can only be effectively implemented if there is some sort of public support, public public concern.

[Shri Digvijay Singh]

and a rapport between the legislators and the society in general.

Sir, awareness has not yet reached the stage—except in affluent cities like Delhi and Bombay—where people themselves could come forward and form pressure groups in seeing that such environmental degradation does not take place. When it comes to industry the very natural reaction of the industry is to try and wriggle out of following the law whereby they could be industrially and commercially effective. So, the Board will have to be very vigilant. In affluent countries like USA and others where they have very strong Boards to monitor the laws like the EPI in USA and similar legislation in Northern European countries they have reached a stage of evaluating how much loss the industry incurs because of implementation of both water and air pollution laws and subvention and tax concessions are sought whereby there is compensation for the industry to instal anti pollution measures or recycling measures for water and anti-air pollution equipment whereby the pollutant air which is emitted from the industry is purified. It is a costly equipment. The investments made in that equipment could be somehow or other compensated either by subvention or tax compensation. I doubt whether any other body except the newly formed Department can go into these details and suggest some such pecuniary aid although being a developing country we may not be able to afford in the initial stages. But the pattern will have to be set even from now onwards. Whilst I fully support the Bill, today, I consider it to be my Red Letter Day, because, I very distinctly remember that on the 11th of August, when I brought up a subject for 2-hour discussion on 'Rape of Mother Earth' on the floor of this House, the hon. Prime Minister intervened, and whilst she gave her deliberations on the floor of the House during that debate, she made a categorical statement saying that the Air Pollution Bill which is on the anvil

will be implemented forthright and it is being done so. So, it gives me a great sense of pride. I fully support this Bill. There is only one last view which I would like to convey to the House. Sir, Members of this House and the Upper House have decided to have a 'Forum of Environment' composed of Members of both the Houses. I may put it across that the Members should be fully apprised of future legislations which will be coming on this subject in the next one year and these matters should be looked into. I request hon. Members to lend their support to this forum. With these words I conclude my speech. Thank you.

SHRI R. K. MHALGI (Thane): Sir, at the very outset I must congratulate the Government for bringing in a long-desired legislation to deal with the air pollution problem to some extent. Within the given time. I would like to make a few observations. I shall be brief.

Sir, I represent in this honourable House those lakhs of people around Bombay, who have to face since so much years, the worst possible effects of air pollution. To them this Bill is a kind of blessing. This Hon. House must be aware that Bombay and surrounding areas including Thane, my constituency, account for more than 15 per cent of Indian industrial activity and almost one half of it, the Chemical Industry. This caused the citizens to be exposed to an atmosphere with the high content of noxious fumes.

Sir, air pollution affects human health as well as the physical attractiveness of the atmosphere. The potential effect of pollution is far-reaching and subtle. Air currents can carry the emissions from the burning of fossil fuels to a considerable distance. So, this is not a problem of big industrialised cities alone. When combined with water, these emissions form acid. It is not human health which alone is at stake, nor the blue and beautiful sky. What is also at stake is the vital interests of the Farmers, which is closely linked to energy-balance of earth and sub-soil water, that sustains his farms.

Hence, it is a wrong notion to think that pollution is a problem only with big cities like Calcutta, Bombay, Delhi and Ahmedabad.

This Bill is merely a preventive measures. The problem of pollution is mainly on account of concentrated industrial activity. The urban structures thus need to be regulated so that they do not cause ecological damage. The slogan should therefore be not industrialisation at any price, but industrialisation with adequate safeguards.

The slogan should be not industrialisation, industrialisation is a must for India under the present circumstances, but it should be with adequate safeguards. The policy of decentralisation and emphasis on small scale industries, may, to a certain extent, be an answer to the problem. The entire question therefore, has to be viewed from the stand point of synthesis between economic and ecological factors.

The scheme of the Bill is all right but I have a few suggestions to make in that regard:

1. The Bill seems to vest all powers and functions under the Act in the Board without making any specific provision for delegation of powers. It is necessary that such a provision is included.

2. The Provision directing the State Board to lay down standards of emission for different industrial plants after taking into consideration the quality of pollution in that particular area or the existing wind pattern is necessary

3. Section 17(2) authorises the State Board to establish or recognise a testing laboratory while Section 28 authorises the State Government also to establish or specify a State Laboratory. Such a provision is nothing but duplication.

4. The punitive provisions (See Section 37) are very mild. They provide for a fine upto Rs. 5,000 for

one-time offence and if the offence continues a fine of Rs. 100 for every day. The penalty needs to be enhanced.

5. The enforcement Section of the proposed Act enumerates several varieties of offences. It is suggested that on the lines of food and drugs Administration Act, a schedule showing the minor offences non-cognizable and compoundable should be appended to the proposed Act.

Sir, I hope that the Government shall apply their mind quite seriously to the suggestions I have made.

SHRI JAGANNATH RAO (Berpampur): Mr. Chairman, Sir, this is a wholesome measure and it has not come a day soon. Sir, God has created man and nature so that man can live in harmony with the nature and be happy. But with the advancement of science and technology and in the name of modern civilisation, man has destroyed the nature that has been created by God. The result is that we are living in an atmosphere where land and has been polluted, water has been polluted, air has been polluted. So, life has become hazardous on this planet. In the United Nations Conference on the Human Environment held in Stockholm in June 1972, our Prime Minister attended that Conference as a leader of the delegation. In 1974 we proposed for a Water Pollution and Prevention Act and the then Congress Government wanted to introduce a Bill to this effect. Then for some reason or other, it could not be introduced. Then during the Janata regime, this Bill should have been brought forward, but it could not be done. Now only this Bill has been brought forward.

Now, coming to the Bill, till today, some State Governments have not constituted the State Boards which were envisaged under the Water Pollution Prevention Act. The Centre should see to it that the State Governments constitute those Boards.



[Shri Jagannath Rao]

Then those Boards will have to be invested with the powers under this Act. To avoid this when an industry is going to be set up in an area and the promoter applies for an industrial licence, he should first get a clearance certificate from the concerned board that the industry would not emit any smoke or would not discharge its effluents into the nearby river so that air and water are not polluted because of that unit. Unless they produce that certificate, the licence for that industrial unit should not be granted either by the State Governments or by the Centre. Then there should be a periodical inspection by the experts in the State Boards to see whether these conditions are being complied with or not. Supposing he gets a licence after satisfying the Government that he has taken all the precautions to prevent pollution, but subsequently he does not observe those conditions, then what happens? Therefore, there should be periodical inspection by the specialists from the State Boards to see that the conditions are being observed.

My hon. friend Dr. Swamy said that there is no mention in the Bill about the public sector. I would like to tell him that it applies to private sector and public sector alike. Any person who contravenes the provisions of this Bill is required to be punished under this measure. That is not the point. I would like to submit that whichever sector establishes a unit, which is likely to pollute air, they should take all precautions before a unit is set up and subsequently observe necessary safeguards and conditions to see that pollution does not take place.

We do not know what action the State Boards are taking in their respective States. The Central Government being in charge of the environment, they should get reports from the State Boards every year and they should be consolidated in the form of an annual report and that should be laid on the Table of the House so that Parliament would be in a position to know how far the Act is being successfully implemented.

The transport vehicles in the cities emit a lot of smoke. What are the precautions that these transport vehicles should take—in that respect nothing has been done. This is one major source of pollution of air. These things have to be taken care of and the Government should see that precautionary measures are observed by the transport owners.

Then, wherever a breach of any of the provisions of this measure is committed by a unit whether in the industrial area or other areas, that should be made a criminal offence, otherwise the penal provisions suggested in this Bill have no meaning. It should be considered as a public nuisance under Section 133 of the Criminal Procedure Code. It should be made a cognizable offence. Only then, we would be able to achieve our objective. Otherwise, the business men know how to keep the Board in good humour. Have you got any report in this regard from the State Boards from 1974 to 1980 about the pollution of water or air by the industrial units? Nothing. The owners of these industries know how to be on the right side of the Board. I would, therefore, like that there should be stricter penal measures in this Bill if you want the Act to be effective, otherwise such measures will not produce the intended effect.

**MR. CHAIRMAN:** You want that deterrent punishment should be specified for violating the provisions of this Bill.

**SHRI JAGANNATH RAO:** Yes, apart from that, I would also suggest

that the industrial licence should be cancelled if the unit does not observe the precautionary measures and they go on emitting smoke and pollute air. They should be given a show-cause notice and then action should be taken.

This is a very good measure; it should be implemented sincerely and effectively so that the objective envisaged in the Bill is achieved. Sir, another thing is that I have seen a number of townships attached to these industrial units both in the private sector and public sector. It invariably so happens that a township is established on a side to which the smoke flows. I have seen in so many industrial centres that the township is located on that side where the smoke flows. Therefore, before setting up a township near an industrial unit, they should study the weather conditions and to which side the wind blows; and then set up the township in a different side so that they would not get the bad and injurious effects of the smoke. Therefore, all the precautions have to be taken before licence is granted, and only later, licence should be granted for the unit to be set up. The State Advisory Board should periodically visit the industries and see whether these conditions are being observed strictly. Then only this Act will produce the effect. But, something is better than nothing. This Bill has come after six years. It would have come much earlier had the Congress Government not been defeated in 1977. I hope in 1974 we brought that Bill, the Water Pollution Prevention Bill and this was also under consideration of the Government, I think, during 1975-76. But late than never. I welcome this measure and let us see that this Bill is given effect to sincerely so that the desire of the Bill is achieved.

About penalty. I would again mention, that there should be deterrent punishment and the way in which the Government wants to punish the defaulter, the offender, I do not think this will achieve the objective. Thank you, Sir.

**THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND WORKS AND  
HOUSING (SHRI BHISHMA NA-  
RAIN SINGH):** Sir, I am extremely grateful to the hon. Members for the wholehearted support they gave to this Bill. I was listening to them with rapt attention and I found, Sir, that most of the points raised by Hon. Members were in the form of suggestions. I have noted down the suggestions and while implementing this Bill, those suggestions will give a lot of help to Government.

Sir, there is not much scope to reply because the aims and objects of this Bill are known to Hon. Members and there is unanimous view in support of this Bill.

Some Members raised their doubts. I want to mention a few of them. But before mentioning and meeting their points. I would, Sir, through you, inform the Hon. Members that this Government is determined to control water and air pollution. And not only air and water pollution, some of the Hon. Members have said even about noise pollution. But, you see the State Governments can take necessary steps in this regard.

Sir, I want to cite an example to you. It will indicate the seriousness of this Government in tackling this problem. Sir, in the first joint session of this 7th Parliament, the President referred to the need of setting up a specialised machinery with adequate powers for incorporating planned development measures to maintain ecological balance.

And, Sir, not only the President but the Prime Minister, Shrimati Indira Gandhi, while speaking at a

[Shri Bhishma Narain Singh]

function organized by the World Conservation Strategy on March 6, 1980 said that the interest in conservation was not a sentimental one, but the rediscovery of a truth well known to our ancient sages. The Indian tradition teaches us that all forms of life—human, animal and plant—are so closely inter-linked that disturbance in one gives rise to imbalance in the others.

Through you, Sir, I wanted to emphasize the seriousness of this Government in tackling this problem. Mr. Bhagat spoke about pollution of water in the Jamuna river. I want to assure him that Government will take all necessary steps to prevent water pollution in Jamuna—and not only in Jamuna. I have explained to you the intention of this Government in this regard.

The total number of hon. Members who participated in the debate, is 11. As I said, I have noted down their valuable suggestions. Nobody has opposed this Bill; everybody has whole-heartedly supported it. So, I am thankful to them.

I want to reply to a few points which have been raised, and which I feel are very important. Dr. Swamy had some doubts about the citizen's rights, and how they will exercise their right for the prevention of air pollution. Every citizen can point out things to the State Board and the State Board will take necessary action. They have to take. We have given them powers.

DR. SUBRAMANIAM SWAMY: There is no penalty for not listening; i.e., if the State Boards do not take any action. You must say that you will suspend them.

SHRI BHISHMA NARAIN SINGH: The aim and object of the Board is to implement the decision. They will have to implement the decision, and Government will see that they implement the decision.

SHRI R. K. MHALGI (Thane): Something to this effect should be incorporated in other rules at least.

SHRI BHISHMA NARAIN SINGH: A Joint Committee was set up in Parliament. That Committee went in detail into the matter. Mr. Mhalgi was one of the members of that Committee. We have accepted all its recommendations. They have been incorporated.

DR. SUBRAMANIAM SWAMY: In the part of the Bill dealing with delegated legislation, you can say that if a citizen files a complaint, the Board must either take action on it or give reasons for not taking action—within 10 days.

SHRI BHISHMA NARAIN SINGH: I have noted Mr. Mhalgi's suggestions. I know Mr. Digvijay Singh personally, and know that he has a keen interest in the subject. He has done a lot of research work also. Dr. Swamy might also have done. If he has done, it is a right thing that he has done.

Once again, I thank the Members who have given their support to this Bill.

SHRI KRISHNA CHANDRA HALDER (Durgapur): I had asked: how many States have not formed the Board? The Minister mentioned 5 States.

SHRI BHISHMA NARAIN SINGH: I will give you this information. It is available with me.

SHRI KRISHNA CHANDRA HALDER: For West Bengal, one Board should be located at Calcutta. And there should also be another Board for the Durgapur-Asansol belt.

SHRI BHISHMA NARAIN SINGH: 7 States have not adopted the Central Act. They are: Tamil Nadu, Maharashtra, Orissa, Manipur, Meghalaya, Nagaland and Sikkim. We are writing to them repeatedly.

According to information given to me. Maharashtra is there. I thank once again all the hon. Members and commend my motion for acceptance by this august House.

**MR. CHAIRMAN:** The question is:

That the Bill to provide for the prevention, control and abatement of air pollution, for the establishment, with a view to carrying out the aforesaid purposes, of Boards, for conferring on and assigning to such Boards, powers and functions relating thereto and for matters connected therewith, be taken into consideration.

*The motion was adopted.*

**MR. CHAIRMAN:** There are no amendments to clauses 2 to 36. The question is:

"That clauses 2 to 36 stand part of the Bill.

*The motion was adopted.*

*Clause 2 to 36 were added to the Bill. Clause 37—(Failure to comply with the provisions of section 21(5) or section 22 or with order or directions issued under the Act.)*

**MR. CHAIRMAN:** There is an amendment to clause 37.

**DR. SUBRAMANIAM SWAMY:** I beg to move:

Page 18,—

*after line 17. insert—*

"(3) Notwithstanding anything above, if any public sector unit fails to comply with Section 21 or 22 or with any order given under this Act, the entire management from the Chairman, Managing Director and the Board of Directors shall stand suspended and its powers taken over by a Committee of Parliament till such time the responsibility for the said breach is firmly established." (2).

The idea is that the public sector must be specially made to realise its duty. If the Minister assures the

House that he will take special care to see that public sector behaves, I am willing to withdraw this amendment.

**SHRI BHISHMA NARAIN SINGH:** Clause 37 of the Bill contains a provision for dealing with the failure to comply with the provisions of sections 21 or 22 or with an order or direction issued under the Act. The amendment of the hon. Member does not come within the purview of this clause. The acceptance of the amendment would tantamount to making discrimination between the public sector and private sector.

**MR. CHAIRMAN:** Therefore, you say that it applies everywhere?

**SHRI BHISHMA NARAIN SINGH:** It is applicable everywhere and I do not think there is any need for giving any assurance on it.

**DR. SUBRAMANIAM SWAMY:** I take his statement as an indirect assurance and therefore I withdraw my amendment.

**MR. CHAIRMAN:** Has Dr. Swamy the leave of the House to withdraw his amendment?

**HON. MEMBERS:** Yes.

*Amendment No. 2 was, by leave, withdrawn.*

**MR. CHAIRMAN:** There are no amendments in between upto clause 54. I shall put them together.

The question is:

"That clauses 37 to 54 stand part of the Bill."

*The motion was adopted.*

*Clauses 37 to 54 were added to the Bill.*

*The Schedule, Clause 1, the Enacting Formula, the Preamble and the Title were added to the Bill.*

**SHRI BHISHMA NARAIN SINGH:** I beg to move:

"That the Bill be passed."

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

*The motion was adopted.*

16.52 hrs.

**COAL MINES LABOUR WELFARE  
FUND (AMENDMENT) BILL**

THE MINISTER OF STATE IN  
THE MINISTRY OF ENERGY (SHRI  
VIKRAM MAHAJAN): Sir, I beg to  
move:

"That the Bill further to amend  
the Coal Mines Labour Welfare  
Fund Act, 1947, be taken into consi-  
deration."

With a view to improving the living and working conditions of the coal miners and providing the basic amenities and facilities in respect of housing, water supply, health, etc., the Government of India had promulgated in 1944 an ordinance, subsequently replaced by an Act known as the Coal Mines Labour Welfare Fund Act, 1947. The revenues of the Welfare Fund, constituted under this Act is derived from the levy of cess imposed under section 3(1) of the Act at a rate not exceeding 75 paise per metric tonne on the despatches of coal and coke. This revenue is apportioned between Central Welfare Account and the Housing Account.

Under this scheme, free medical aid is given to the workers. We are also going to inaugurate a hospital in January, 1981, where artificial limbs will be made available to the workers. The extent of welfare activities has been consistently going up. In 1979-80 about Rs. 10 crores was spent on these activities. This year, i.e. 1980-81 we have raised it to Rs. 12.35 crores and next year we intend raising it to Rs. 16.15 crores. Consistently we are also building more houses and giving more subsidy. In 1979-80 about 8900 houses were being given the benefit. This year we intend raising the number to

11,300 houses. Similarly, in respect of subsidies given to the States, to West Bengal we have given Rs. 70 lakhs for water supply schemes. To Bihar we have given Rs. 40 lakhs. The measures we are taking for the welfare of workers are showing excellent results. This is evident from the fact that the rate of accidents has been consistently going down. In 1980-81, for the same period, the number of fatal accidents and injuries are much less, as compared to last year. We are going to constitute a Coal mines Safety Board, which will look into the interests of the workers. These are the broad features.

The Coal Mines Labour Welfare Fund Act is administered by the Central Government, on the advice of a tripartite body, consisting of representatives of the Governments of West Bengal, Bihar and Madhya Pradesh, six persons representing the owners of coal mines, six persons representing the workmen employed in the coal mines a woman and two mining engineers.

The Coal Mines Labour Welfare Fund (Amendment) Bill, 1980 seeks to insert a provision in the Coal Mines Labour Welfare Fund Act, 1947 so as to confer powers for retrospective amendment of rules. The amendment has become imperative in view of the amendment of Rule 3(1) (a) (i) of the Coal Mines Labour Welfare Fund Rules, 1947, which was notified by the Ministry of Labour on 12th May, 1973, but was given retrospective effect from 25.8.1972. This rule, as it had existed before this amendment, provided that the Secretary or Joint Secretary in the Ministry of Labour and Employment could be appointed as Chairman of the Advisory Committee. A Joint Secretary, who was acting as Chairman of the Advisory Committee, was promoted as Additional Secretary on 25.8.1972, and he continued to act as Chairman of the Advisory Committee till the rule was amended in May 1973, although Rule 3(1) (a) (i) did not provide for an