

**SHORT DURATION DISCUSSION**

**Shifting of Industries from Residential Areas of Delhi.**

DR. KARAN SINGH (Delhi): Mr. Chairman, Sir, the events that have taken place in Delhi over the last three days have been of a tremendous magnitude. The whole of Delhi is in turmoil; lakhs of people are on the roads; there has been a breakdown of law and order; people have died; dozens have been injured; and the whole of the beautiful capital is in absolute turmoil, and tarnished.

Sir, at a moment like this, we had expected that instead of trying to place blame upon one party or the other, the Government would come forward with some constructive proposal to meet the requirement. But what has happened? In fact, in his statement, the Minister has tried to place the blame upon the Delhi Government. Let me point out to you, Sir, that in 1996, when the Supreme Court first opined upon this, it was the B.J.P. Government which was in power. They were the ones which were in power in 1996, 1997 and 1998. For three years, they were in power, and they did not take any adequate steps to meet this problem. It is only after the Congress Government came to power that we began seriously the processes of acquisition of land, and of trying to develop it. Sir, the basic point which I would like to make is that without an amendment to the Master Plan, it is not possible to solve this problem. I would like the House to be very clear on this, and that is the one point where the hon. Minister has been extremely stubborn, if I may say so. He says that the question was not raised about the Master Plan. Will the Minister clarify, whether or not, the present Chief Minister of Delhi has on more than one occasion met with the Minister personally, and pleaded with him to change the Master Plan without which the problem cannot be solved? But instead of doing that, he rejected this out of hand. He said that there is no question of changing the Master Plan. We have seen him say that on television.

Sir, if the Constitution can be amended 85 times, surely the Master Plan is not something which cannot be touched. Certainly, we want a pollution-free Delhi. I have been a conservationist all my life. We have talked about conservation, but this is a human problem. There are lakhs of people whose daily life is disrupted, and if this is carried through, there will be a total turmoil and chaos in Delhi. Now, at last, I am afraid, this is becoming a pattern of this Government. They hold on stubbornly till the

end, and then under pressure, they collapse. They did the same thing with the oil prices. Now, at last, today, for the first time, the hon. Minister has said that they are prepared to amend the Master Plan. If he had said this earlier, if he had said this two years ago when it was first mooted, this problem would not have been very serious. Let me make it very clear that this is a problem which can be solved only with the full cooperation of the Ministry of Urban Development, of the Delhi Government, of the M.C.D., and with the cooperation of all the multiple agencies in Delhi. It is not a simple problem. A lot of plots have been allotted in the industrial areas of Narela, Jhilmil, Patparganj, Badli, Bawana. They need to be developed. It is not enough to allot a plot. You need water, you need electricity, you need roads and you need all sorts of other infrastructure in order to develop them. What we have to do is to amend the Master Plan so that those industries, which are particularly the non-polluting industries, should be allowed to stay where they are.

It is quite clear that the areas where there is 70 per cent industrial concentration have got to be declared industrial areas. Thirty years' development has taken place in Delhi. Rs.6,000 crores worth of assets have been built in these thirty years. At that time, people were encouraged to start industries. Now, we say, "You have got to go out of them!"

What has happened now is that the Government has at least taken the view to do two things. One is that the Master Plan must be amended so that the areas with 70 per cent industrial concentration should be declared industrial areas. Second, the list of household industries should be enlarged. It says here that there is the Jagdish Sagar Committee. Today, with information technology, every person in any *mohalla* can start a small industry. There are industries with regard to garments, scooter repairs, *aata chakkis* and so on. By no means can these be called polluting industries. They have to be given their place in the sun. They provide essential facilities for over one-and-a-half crores of people who live in the Capital Region area. It is not only the people in posh colonies who live here, it is also those people who live in those areas. I agree that pollution hits them the worst. But it has to be done in a humanitarian, humane and imaginative manner. This sort of rigid attitude that the Government took which resulted in this fiasco has created the absolute havoc.

It is very clear that the Delhi Government has tried its best to persuade the Ministry of Urban Development to change the Master Plan, but they have not agreed to do so, as a result of which this crisis has arisen today. I do not want to get into party polemics. I think it is unfair for the Minister to try to blame the present Government that has been in power only for less than two years, whereas there were three Chief Ministers of the BJP in the previous administration.

My other colleagues are going to talk in more detail about the problems actually being faced. I want to make three points:

One, this is a massive problem, involving tens of lakhs of people, millions of people. It is something that has to be dealt with immediately. Otherwise, the law and order situation in Delhi will collapse, and it will spin out of control. We know what happens when the law and order situation collapses in the capital. This is not only the capital of those who live in Delhi or who represent Delhi, but it is the capital of every Indian. Therefore, we cannot allow this capital to be destroyed in this manner. So, immediate steps must be taken.

I would also appeal to the people who are involved, who are deeply disturbed and who are deeply distressed, from the Chief Minister down to common citizens. I would plead with them to show a little tolerance, to wait for a while, not to resort to violence and to try to see that this problem is solved.

Two, it is not enough to say that the Government would amend the Master Plan also, if necessary, to acquire more land. The Government has got to amend the Master Plan. That must take place immediately. It is not just something that can be done in future because, unless the Master Plan is amended, there is no way in which this problem can be solved.

Three, Sir, I would suggest that the Urban Development Ministry, the Delhi Administration, all the concerned authorities and all the citizens of Delhi, the civil society, should get together at this juncture and prevent the city from being destroyed. We must make a plea to the Supreme Court that whatever might have happened in the past, there is now a determination to solve this problem. The citizens of Delhi must be involved in the anti-pollution drive and school children have got to be involved, students have to be involved. We have to create a climate of opinion to make Delhi a

clean city. You may remember that 20 years ago I was the Chairman of the Joint Committee that looked into the provisions of the Air Pollution Act. We went around the Taj also. I will bring it up separately. Hon. Members might have read my statement that the Taj is beginning to change its colour. About Delhi, we talked about the Badarpur Refinery. We talked about all the major pollutants that do not belong to individuals but to the Government. There has to be a coordinated drive.

It is no use, Mr. Minister, trying to pass the buck or trying to blame the Delhi Administration. Your own MPs from Delhi itself have been unhappy about your rigidity with regard to the Master Plan. They have gone to you and they have gone to the Prime Minister to urge that the Master Plan should be amended.

So, Sir, my plea in this is, we are facing a crisis situation. We have got to deal with it in a humane, matured and mutually co-operative manner. I hope the Minister, instead of indulging in party polemics, will rise above that and try and see that the problems of millions of people in Delhi are solved. Thank you.

**श्री नरेन्द्र मोहन (उत्तर प्रदेश) :** सभापति जी, माननीय कर्ण सिंह जी ने जो कुछ कहा है उसमें इतना अधिक विरोधाभास है कि मैं समझ नहीं पा रहा हूँ कि ऐसी बातें वे क्यों कर रहे हैं। एक ओर तो वे कह रहे हैं कि दिल्ली को प्रदूषण मुक्त करना है और दूसरी ओर वे कह रहे हैं कि आटा चक्की या इस प्रकार के उद्योग दिल्ली के रिहाइशी इलाकों में लगे रहने दिए जाएँ। क्या ध्वनि प्रदूषण प्रदूषण नहीं होता? प्रदूषण मुक्ति के लिए ध्वनि प्रदूषण, वायु प्रदूषण और जल प्रदूषण तीनों से मुक्ति आवश्यक है। जो ध्वनि प्रदूषण हो रहा है, जो जल प्रदूषण हो रहा है, जो वायु प्रदूषण हो रहा है, उससे जुड़े समस्त उद्योग हटा दिए जाने चाहिए।

सभापति महोदय, सारी समस्या इसलिए नहीं उत्पन्न हुई कि भारत सरकार की ओर से मास्टर प्लान में कोई परिवर्तन करने की बात नहीं की गई, सारी समस्या इसलिए उत्पन्न हुई है क्योंकि दिल्ली सरकार के प्रधान सचिव ने जो आश्वासन सर्वोच्च न्यायालय को दिए थे, वे पूरे नहीं किए गए। मंत्री जी ने अपने उत्तर में कहा है कि दिल्ली सरकार के प्रधान सचिव ने उसी दिन दाखिल किए गए हलफनामे के माध्यम से अदालत को आश्वासन दिया था। प्रश्न यह है कि ये आश्वासन दिल्ली सरकार ने पूरे क्यों नहीं किए? कोई भी सरकार हो, इस सरकार के द्वारा भी कोई आश्वासन दिए गए थे, जो वर्तमान सरकार है, अब अगर आश्वासन दिए गए थे तो क्या समय पर प्रगति रिपोर्ट की या उन आश्वासनों को पूरा करने की आवश्यकता नहीं थी? सबसे बड़ी कठिनाई यह हुई है कि दिल्ली सरकार ने इस बार जो सारी सीलिंग की, उसमें जो गैर प्रदूषणकारी उद्योग हैं उनको भी सील कर दिया गया और उससे मामला भड़क गया। कर्ण सिंह जी कह रहे हैं कि इसमें राजनीति नहीं होनी चाहिए। मैं कर्ण सिंह जी से जानना चाहता हूँ कि आखिर यह कैसे हुआ? सर्वोच्च न्यायालय ने तो केवल प्रदूषणकारी उद्योगों को सील करने की,

हटाने की बात कही थी, दिल्ली सरकार ने ऐसे उद्योगों को सील क्यों किया जो प्रदूषणकारी नहीं थे और अगर किया तो उसके बाद आज जो उसके दुष्परिणाम हमारे सामने हैं, इसके लिए भारत सरकार दोषी कैसे हो गई ? यह कहना कि इससे कानून और व्यवस्था की समस्याएं उत्पन्न हो जाएंगी, मैं कहना चाहता हूँ कि कानून और व्यवस्था की समस्या जान-बूझकर राजनीतिक कारणों से उत्पन्न की गई है। यह दुर्भाग्य की बात है कि आज इस मामले में राजनीति की जा रही है और दोषी ठहराया जा रहा है भारत सरकार को। भारत सरकार ने कभी नहीं कहा कि ऐसा कोई काम किया जाए जिससे दिल्ली की जनता की समस्याएं बढ़ें। प्रश्न यह है कि दिल्ली को हमें प्रदूषण मुक्त करना है या नहीं करना? दिल्ली के रिहाइशी क्षेत्रों में जो भी छोटे-बड़े उद्योग लगे हैं, उनको हटाया जाना है या नहीं हटाया जाना है? सर्वोच्च न्यायालय ने निर्देश दिए हैं उन निर्देशों का परिपालन होना है। दुनिया के किसी भी सम्य देश में, सुसंस्कृत देश में ऐसा नहीं है कि रिहाइशी इलाकों में उस तरह से उद्योग लगा दिए जाएं जैसे कि दिल्ली में लगा दिए गए हैं। आखिर इनका कोई उपाय होगा या नहीं होगा? यदि हम चाहते हैं कि दिल्ली में रहने वालों की जिन्दगी ठीक हो, उनको सही वातावरण मिले, सही वायु मिले, उनका स्वास्थ्य ठीक हो, अगर यह सब करना है तो हमें कुछ कठोर कदम उठाने होंगे, लेकिन दिल्ली सरकार सहयोग के स्थान पर समस्याओं को और बढ़ा रही है, जो कि अनुचित है। अगर दिल्ली सरकार ने समय रहते कार्य कर लिए होते तो यह जो लम्बा अंतराल है और यह जो कुछ हो रहा है, यह न होता - तीन-तीन आदेश दे रहा है सर्वोच्च न्यायालय, दिल्ली सरकार सो रही है, कोई प्रगति रिपोर्ट भी दाखिल नहीं करना चाहती, यह बताना भी नहीं चाहती कि आखिर यह स्थिति क्यों उत्पन्न हो गई है।

सभापति जी, भारत सरकार ने कभी ऐसा नहीं कहा कि मास्टर प्लान गीता और बाइबल है। मास्टर प्लान बदला जा सकता है। यही तो मंत्री जी ने भी अपने वक्तव्य में कहा है...

**कई माननीय सदस्य :** आज कहा है।

**श्री नरेन्द्र मोहन :** आज कहा है, आप मेरी बात सुनिए। मास्टर प्लान गीता और बाइबल किसी भी देश में नहीं होता। हम जानते हैं कि संविधान बदला जा चुका है। लेकिन इसका अर्थ यह नहीं है कि हम आए दिन मास्टर प्लान को इसलिए बदलते चले जाएं क्योंकि राजनीतिक कारणों से या भ्रष्टाचार के कारण रिहायशी क्षेत्रों में उद्योग लगा दिए गए। मैं जानना चाहता हूँ कि रिहायशी क्षेत्रों में उद्योग लगाने का विरोध करने में कांग्रेस को या किसी व्यक्ति को आपत्ति क्यों है? रिहायशी क्षेत्रों में उद्योगों का होना एक समस्या है जिससे यहां के लोगों के स्वास्थ्य पर घातक प्रभाव पड़ रहा है। इस मामले में अगर थोड़ी बुद्धिमता से काम नहीं लिया गया तो सारी दिल्ली पूरी तरह से प्रदूषित हो जाएगी। आखिर दिल्ली को प्रदूषित करने का अधिकार किसने किसको दिया?

सभापति महोदय, हम एक व्यवस्थित दिल्ली चाहते हैं, स्वच्छ दिल्ली चाहते हैं, सुंदर दिल्ली हम चाहते हैं... (व्यवधान)... स्वास्थ्यप्रद, सुंदर, स्वच्छ दिल्ली कैसे बनेगी? इसकी व्यवस्था करनी होगी। इसके लिए हमें कुछ कठोर निर्णय लेने होंगे। ये निर्णय लेने में हमें आपका सहयोग चाहिए।

श्री दीपांकर मुखर्जी (पश्चिमी बंगाल): मर्सिडीज गाड़ी हो, सुंदर हो तो अच्छा होगा ।

श्री नरेन्द्र मोहन : सभापति जी, ये व्यक्तिगत आक्षेप न करें तो अच्छा होगा ... (व्यवधान)... आप मेरी बात समझने की चेष्टा कीजिए । दिल्ली की जो स्थिति है, वह तब ठीक होगी जब हम सब मिलकर राजनीतिक पूर्वाग्रहों से ऊपर उठकर उसे स्वच्छ और सुंदर बनाने के लिए प्रयत्नशील होंगे । यह अनिवार्य आवश्यकता है । यह राजनीतिक आरोपों और प्रत्यारोपों के दौर से संभव नहीं होगा, इसको समझने की आवश्यकता है । यह कहना कि मंत्री जी ने यह कर दिया, मंत्री जी दुराग्रही हो गए, यह ठीक नहीं है । मंत्री जी कहां से दुराग्रही हो गए?

सभापति महोदय, सर्वोच्च न्यायालय ने कभी भी यह नहीं कहा कि मास्टर प्लान बदल दिया जाए । सर्वोच्च न्यायालय के समक्ष दिल्ली सरकार का शपथपत्र दाखिल किया गया । दिल्ली सरकार के शपथपत्र में ऐसी कोई आवश्यकता भी नहीं दर्शाई गई । दिल्ली सरकार ने एक नहीं, कई शपथपत्र दाखिल किए हैं । यदि दिल्ली सरकार यह आवश्यक समझती थी कि मास्टर प्लान बदला जाए तो कभी किसी शपथपत्र में कह दिया होता कि मास्टर प्लान बदल दिया जाए । अब 1300 एकड़ जमीन अपने अधिकार में लेने की बात मंत्री जी ने अपने वक्तव्य में कही है । अब केवल 1300 एकड़ जमीन से काम नहीं चलेगा, और अधिक भी ली जा सकती है लेकिन ये सारी बातें दिल्ली सरकार को भारत सरकार के सामने लिखित रूप में रखनी चाहिए । उन्हें बताना चाहिए कि उनकी आवश्यकताएं क्या हैं । उन्हें सुप्रीम कोर्ट को भी यह सब बताना चाहिए लेकिन उन्होंने नहीं बताया । उन्होंने राजनीति करनी शुरू कर दी ।

श्रीमती अम्बिका सोनी (दिल्ली): ये गलत बातें कह रहे हैं, सब बातें रखी गई हैं, आपको शायद जानकारी नहीं है ।

श्री नरेन्द्र मोहन : अगर मैं गलत कह रहा हूं तो आप बताइए कि सर्वोच्च न्यायालय में दिल्ली सरकार के किस शपथपत्र में यह कहा गया कि मास्टर प्लान बदला जाए ? आप बताइए या आपके नेता बता दें । अगर सर्वोच्च न्यायालय के समक्ष यह नहीं कहा गया तो आज इस बात को इस तरह से कहना कि मंत्री जी दुराग्रही हो गए हैं, यह एक राजनीतिक वक्तव्य है । इस प्रकार की राजनीति करने से दिल्ली की समस्याओं का समाधान नहीं होगा । मैं एक बार फिर कहना चाहता हूं कि दिल्ली में जो प्रदूषण के कारण समस्याएं उत्पन्न हो गई हैं, उसके लिए एक संतुलित नीति बनाने की आवश्यकता है । वह संतुलित नीति तब बनेगी जब राजनीतिक दुराग्रहों से ऊपर उठकर हम कुछ करने के लिए तैयार हो जाएं । इसलिए भारत सरकार की नीति बड़ी स्पष्ट है । भारत सरकार यह चाहती है कि दिल्ली प्रदूषणमुक्त हो जाए । सर्वोच्च न्यायालय भी यही चाहता है । सर्वोच्च न्यायालय ने इस मामले में दो इनिशियेटिव अपनी ओर से लिए । उसी के आधार पर दिल्ली सरकार को आदेश दिया गया था लेकिन जब प्रशासनिक ढिलाई होगी या उसमें राजनीतिक बातें सामने आ जाएंगी, भ्रष्टाचार सामने आ जाएगा, पक्षपात होने लगेगा तो समस्याएं बढ़ेंगी । हुआ क्या ? दिल्ली के कुछ रिहायशी इलाकों में जब उद्योग सील किए गए तो उसमें दिल्ली प्रशासन ने पक्षपात किया । कुछ को सील किया गया, कुछ को सील नहीं किया गया । वहां पर इस प्रकार की विषम परिस्थिति उत्पन्न कर दी कि लोगों में आक्रोश उत्पन्न हो गया । यह भ्रष्टाचार के कारण हुआ । मैं नहीं समझता हूं कि दिल्ली सरकार के कोई निर्देश ऐसे होंगे कि पक्षपात किया जाए, लेकिन भ्रष्टाचार के कारण पक्षपात हुआ और जब पक्षपात हुआ तो उसको

लेकर समस्या बढ़ी, आक्रोश उत्पन्न हुआ और वह आक्रोश फूट पड़ा और सड़कों पर आ गया। अगर पक्षपात न हुआ होता तो समस्या नहीं बढ़ती। आज इसको लेकर के केन्द्र पर आक्षेप लगाने का औचित्य समझ में नहीं आता है। आज यह बात तो समझ में आती है कि एक कमेटी बना दी जाए जो इस समस्या को देखे, समझे और आगे बढ़े, लेकिन इसके लिए तो इनिशिएटिव दिल्ली सरकार को लेना होगा। दिल्ली सरकार के लिए यह उचित होगा कि वह केन्द्रीय मंत्री से, केन्द्र के संबंधित मंत्रालयों से मिलकर के इस समस्या का समाधान खोजे। प्रधान मंत्री जी का वक्तव्य समाचार पत्रों में आया है। प्रधान मंत्री जी स्वयं चिंतित हैं। उन्होंने कहा है कि आवश्यकता होने पर हम मास्टर प्लान को बदलेंगे। आज मंत्री जी भी यह बात कह रहे हैं। लेकिन अब उसका राजनीतिक लाभ उठाना है, वोट बैंक बनाना है तो बात बिगड़ जाती है। क्या प्रधान मंत्री का वक्तव्य आज की समस्या के लिए नहीं है? पहले भी प्रधान मंत्री जी इस समस्या के संबंध में कह चुके हैं। यह बात कहना कि यह खुराना साहब ने नहीं किया या उसने नहीं किया, सही नहीं है। प्रश्न यह है कि जो आग लगाई गई है, जो धिंगारी भड़की है वह इसलिए भड़की है क्योंकि सर्वोच्च न्यायालय के निर्देशों का पालन वर्तमान सरकार ने नहीं किया और अपनी प्रगति रिपोर्ट भी नहीं भेजी। इसके अलावा उद्योगों को सील करने में पक्षपात किया गया और गैर-प्रदूषणकारी उद्योगों को भी सील कर दिया गया जिन्होंने इन्सपेक्टरों को पैसे नहीं दिए। उससे समस्या पैदा हुई है, उससे आग लगी है, उसने गंभीर समस्या पैदा कर दी है। उसके लिए भारत सरकार दोषी नहीं है, उसके लिए पूरे तौर से दिल्ली सरकार दोषी है।

SHRI JIBON ROY (West Bengal): Thank you Mr. Chairman, Sir. मंत्री जी मैं तो आपका आदर करता हूँ। आपका भाषण सुनने में अच्छा लगता है। I do not know why you have come on this issue. You have reduced the entire issue to one of implementation of the Supreme Court decision or one of environment. The basic contents of the statements are too big. "Government would, if necessary, request the Supreme Court." Why didn't you go to the Supreme Court before this chaos has started? You have also mentioned in your statement that the Government would also amend the Master Plan.

श्री नरेन्द्र मोहन : सर्वोच्च न्यायालय में जाकर के और अधिक ... (व्यवधान)...

SHRI JIBON ROY: I understand, Mr. Narendra Mohan you represent the industry. You have already placed the point of view of the industry before the House. Now, I am placing the point of view of the workers before the House and before the nation. So, don't disturb. The thing is that Delhi is in fire for the last three days. The issue is hanging fire for the last three- four years. I have raised this issue a number of times in this august House. The previous Government also had moved the Supreme Court a number of times. But what was your Government doing before the things precipitated? Now, you are telling that you would request the Supreme Court to give a little more time. What will you do with the time?

Will you please tell us as to what you will do with the time? What is your plan? How do you propose to solve the problem? Here also, you have not said in emphatic terms. You have gone to the High Court and submitted an affidavit before the Court that you won't change the Master Plan. Now you say in this House that you would, if necessary. Therefore, your mind is not clear. आपकी नीयत ठीक नहीं है, सरकार की नीयत ठीक नहीं है तो क्या होगा? What will happen to it? You have reduced the entire statement to a matter of environment and implementation of the Supreme Court decision. I have listened to your statement with rapt attention, as I have listened to the speeches of various other speakers. The basic question is: "Whether the Government has withdrawn the right to life or whether the right to life is still a fundamental right?" Then, I come to their philosophical view. During the earlier period, there were philosophers who used to say that labour is nothing more than a means of production. Just as an instrument can be sold and destroyed, labour can also be sold and destroyed. I would like to know whether this Government has landed itself in that position. The thing is that 1.5 lakh industries are involved. Your statement shows that you have permitted only 370 industries to stay in those areas. Sir, 1,50,000 industries, 15 lakh workers, one crore people are involved. How did you behave? You have come to the House only after pressurisation! Two men died. Buses were burnt. There was teargassing, firing. Only after that, you have come to say that you would amend Master Plan would amend, if necessary-would go to the Supreme Court. *(Interruptions)*... Sir, while I was walking in a factory, one of the officers told me, "Look, every file is having a life. Every file tells tale of a life." Does this statement have any human touch? The Supreme Court has given instructions to close down 168 industries by 1996 November. Out of 168, 167 are closed. Not a single worker is given compensation. Not a single worker! You give me the facts. I challenge, not a single worker is given compensation. Is the labour like any other instrument or means of production? You have to decide that aspect first. Omnibus symptoms are emerging. The Government should note, Sir, the newspapers have carried the news, "North Delhi is captured, seized, East Delhi is seized, West Delhi is seized." Who have seized, Sir? Industrialists and workers together! Small-scale industrialists owners and workers together! They have seized, according to the newspaper reports. And after their seizure, you have come. There are tremendous crises. You cannot give a job to a worker. You cannot start factories. Hundreds and thousands of small-scale industries are getting closed all over the country. Now, through a Supreme Court decision, you are implementing the closure



of all the small-scale industries and sending them to the other areas. Sir, the industrialists have made a complaint. What is the complaint? You have said that you have given money; money for land, water. But no land is given. Land is not developed, Sir. Five years' time is given, but land is not developed. Those who want to shift are not allowed to shift because of your callousness. Now you are removing their houses. How? During the Mohammed Bin Tuglaq period, how it was done. Cattle were shifted from one place to another, and people were moved from one place to another. And after Mohammed Bin Tuglaq, this is the Tuglaq during the BJP-ruled *sarkar*! I have not seen anywhere else before! And this narrates your mindset. The way you have done is not a matter of Durgapur, that the Delhi industrialists feel alone. It narrates your mindset. Your mindset is anti-labour, anti-people. You are an autocrat! You do not bother about the people; you do not bother about the poor people of this country! It is your mindset. It is not a matter of 1.5 lakh industries; it is not a matter of 15 lakh workers or one crore population. One industrialist complained that he was asked to remove. "I would have removed them myself. In my house, I was storing some commodities, some products. I wanted some time, but the time was not given." Time was not given!

THE MINISTER OF RURAL DEVELOPMENT (SHRI M. VENKAIAH NAIDU): Sir, I am sorry to interrupt him. I do not know whether he was using the words correctly. There were reactions, and communal voters may come to them. "Mohammed Bin Tuglaq" word he was using.

SHRI JIBON ROY: He is a historical figure. He is a historical figure. "Mohammed Bin Tuglaq" symbolises some good things and some bad things. ...*(Interruptions)*... Only communal mindsets, see communalism everywhere ...*(Interruptions)*...

SHRI M. VENKAIAH NAIDU: So, there is no problem for that.

SHRI JIBON ROY: Now, Sir, even today, we expect wisdom from the Government. Our Minister is a poor man. I do not charge him, I do not blame him. I do not charge him, I do not blame him.

He is only the Urban Development Minister. But I charge the Government, the Prime Minister, the Human Resource Development Minister and others. This is the humane consideration this Government is having. They should clarify the things. It is not too late. They said, "we would

rectify, if necessary". How does "we would" come, unless you discuss the matter with the people? Even assuming that the Supreme Court was correct and the Supreme Court decision has to be implemented, can any Government, by itself, implement the decision without taking into confidence the workers, all political parties and all political agencies? No Government can do it; neither the Delhi Government nor the Central Government, whether it is the BJP Government or the Congress Government at the Centre. The Government must have the wisdom to discuss the matter with the trade unions and all the political parties. If necessary, you have to go to the Supreme Court with all the political parties and all the political agencies in the country and the Governments, both the State and the Centre, together. If you are to change the Master Plan, you have to discuss it. Without discussion, you cannot do it. Therefore, I urge upon you; show some wisdom and try to solve the problem. Till the problem is solved, please see that the industries are not removed. You know that I was a worker.

Sometimes, I used to attend international seminars on environment, etc. I remember in one of the speeches I said that if the Indian workers were asked, "look, you live up to the age of 50 and till the age of 50, you will get Rs.15,000 per month", probably they will agree to that proposition. Unfortunately, now a days, the value given to the life of plants and animals is more than the value given to human life, the life of human beings. That has to be looked into. There should be a balance. *(Interruptions)...*

SHRI S.S. AHLUWALIA (Jharkhand): Are you disliking all these things in West Bengal or in Delhi? *(Interruptions)...*

SHRI JIBON ROY: Please don't interrupt. I am talking about your mindset *(Interruptions)...*

SHRI S.S. AHLUWALIA: You don't talk about mindset. We know your mindset. *(Interruptions.... What have you done in West Bengal? (Interruptions)...*

SHRI JIBON ROY: I understand that you have Bengali-hatred. Please don't drag West Bengal into every issue. *(Interruptions)...* I am discussing about Delhi. *(Interruptions)...* Why is your skin pinched? There is a Bengali proverb, which you know.

Who is in the temple? No, no.

"I had not eaten banana". *(Interruptions)*... Why do you jump in?  
*(Interruptions)*... Why do you jump in?

Therefore, I urge upon the Government that workers should not be disturbed. Secondly, compensation has to be given to those workers whose factories are closed. Thirdly, change in the Master Plan has to be made in order to accommodate and absorb all factories in question. I believe, after such a loss, now the Government will act reasonably with an open mind and seek the co-operation of all political parties. Thank you.

MR. CHAIRMAN: The next speaker is Shri Ramachandraiah. We will adjourn the House for lunch at 1 o'clock.

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): Sir, then I will get only five minutes.

MR. CHAIRMAN: You can continue afterwards.

SHRI C. RAMACHANDRAIAH: Sir, it is a very sensitive issue. The entire country knows what the level of pollution in the country is. Everybody is worried about a clean atmosphere that has to be provided to the citizens. The period of five years is not a little time. Now, the issue seems to be this. We are not worried about the workers, nor is any Government. We want to gain political mileage. Such are the arguments that are being levelled here. There is one aspect that has to be taken into consideration. The judiciary has to be pragmatic. The judiciary has also to be very pragmatic and they should be aware of the ground realities.

They cannot usurp the powers of the Government by totally ignoring the ground realities. It is not that I am making any comment on the judgement or other things. Sir, these industries have been there for the past so many years. Whether it was right or wrong, successive Governments have allowed them to function. There is a human element involved in it. It is the duty of the Government to provide a clean administration and a clean environment. At the same time, the Government has to protect the livelihood of 60 lakh people who are getting affected. Sir, it is a very delicate issue. In such a situation the court should have been alive to the realities. I dare to say this. It is true that Governments

are not virtually living up to the expectations of the people. They are not able to fulfil the promises which they make to the people during elections. There are so many constraints. Just to capture power or to come back to power, we are accustomed to making promises which are quite impracticable. The Delhi Administration has failed to provide a proper site or land to shift the existing units. They have asked the Government of India to amend the Master Plan. When this party was in power in Delhi just to save their vote bank they did not take any action. Now they are all searching for a scapegoat. This exercise should be stopped. This is my appeal to the whole House. It is a question of 60 lakh people. We have to protect their livelihood. It is a question of providing a clean administration and a clean environment to the people. I would like to bring to the notice of the House that even today America is reluctant to implement the Kyoto Protocol to protect the environment. It is a sustainable development which we have to achieve. We have to preserve the environment. Ecological balance has to be maintained. At the same time, we have to cater to the needs of crores of people of our country. This is a conflict that is going on at the international level. Let us not be more loyal to the King than the King himself. Let us be alive the realities. I would request the Government of India to explore all possibilities, try to gain time and identify the units which have to be shifted. I came to know that some tailoring units and garages have been demolished. I do not know how a tailoring unit can cause pollution. Even today the Government does not have the correct statistics as to how many units are there; how many units are causing pollution and how many units have to be shifted. It is a very sad state of affairs. Let us not politicalise the issue. Let us explore all possibilities to settle the issue very amicably without wasting any time. Thank you.

MR. CHAIRMAN: Should I call the next speaker? Or should I adjourn the House for lunch?

SHRI S.S. AHLUWALIA: Sir, adjourn the House.

MR. CHAIRMAN: I adjourn the House till 2 o'clock.

The House then adjourned for lunch at fifty-eight minutes past twelve of the clock.

The House re-assembled after lunch at three minutes past two of the clock,  
THE DEPUTY CHAIRMAN in the Chair.

THE DEPUTY CHAIRMAN: Hon. Members, I got a message from Shri Singhvi that he has to catch a flight and that he would like to speak now. Since it is Shri Sibal's turn, I said, "Between the lawyers, they can decide; I can only be the judge."

SHRI KAPIL SIBAL: Madam, in any case, my learned friend is senior to me at the Bar. So I can't say 'No' to him...

THE DEPUTY CHAIRMAN: We don't discuss bar in the House because we do not serve anything here...

SHRI KAPIL SIBAL: Nor does he. Therefore, I am talking about the other bar.

THE DEPUTY CHAIRMAN: I am talking about another bar where we serve refreshments only.

श्री बालकवि बैरागी : मैडम, सिंघवी जी से कहिए कि पहले पोजिशन का पता कर लें। फ्लाइट टाइम पर है या नहीं यह पता कर लीजिएगा।

उपसभापति : सिंघवी जी बोलिए।

DR. L.M. SINGHVI (Rajasthan): Madam Deputy Chairperson, I am very grateful to the hon. Member and my friend, Mr. Sibal, and to you for letting me speak at this point of time. First of all, may I say that I wish to declare interests?

My interest is not in the property but in the environment. My interest is not in anything which supersedes the imperatives of ecology and of saving this country from the perils of destruction. This city is already on the brink of destruction - self-destruction, suicide, if I may say so.

And I think it is important for us to bear that in mind and look at the entire situation in a perspective that is overriding and important. No less important is the human question that has been raised by many of the hon. Members. No less important is the question of rehabilitation and relocation. No less important is the question of getting enough time to manage this transfer of population and industries. It is important that we approach this question beyond the borders and frontiers of partisanship. I think it is important for us to view the statement - a very welcome

statement - which has been laid on the Table of the House today by the distinguished Minister who knows Delhi like the palm of his hand and who has worked and endeavoured for a long time to see what humanly is possible to save this city and to restore this and many other cities to their pristine glory.

Madam Chairperson, I read a statement by the former Head of Government in Singapore, Mr. Lee Kuan Yew. In his memoirs, he describes how Singapore graduated from being a member of the Third World, to being a member of the First World. I think some of his advice, though not all has to be heeded and understood. I think it has to be understood that democracy without discipline is not democracy. Democracy without discipline is lacking in that civic virtue which makes democracy so worthwhile, so worth striving for. And I think what is involved here is an issue of the kind of democracy we want in this country, the kind of environment we wish to have in this country. I was personally shocked to hear the statement of my good friend, the hon. Member, Dr. Karan Singh. He and I have made many lofty statements at many international seminars on environment. He and I have spoken on ecology and environment, as if it is the most sacred task entrusted to humanity today. And yet, when I heard him say that environment should take a backseat, or something to that effect, I was in pain, I was in agony.

I think the Supreme Court's order, which is the beginning of the whole issue, has to be understood in its proper context. No matter who is responsible and who is at fault, I think we must understand that our Minister, Shri Jagmohan, and the Chief Minister of Delhi, have both accepted the fact that a distinction has to be made between the polluting industries and the non-polluting industries. The newspapers today are full of the facts that there has been an indiscriminate closure and sealing of industries that are not polluting industries. This has caused considerable concern. This has caused, I think, a legitimate concern. We must see to it that this is not done. The Lt. Governor and the Chief Minister of Delhi must be appreciated for their very clear statement that this was a mistake and that this mistake will be remedied and rectified. Let us understand that the Chief Minister and the administration of Delhi is trying to do a difficult job. We must help them to do it. We must help the Government of India to sustain what is being done in Delhi by the Supreme Court. What did the Supreme Court say? In 1996, the Supreme Court had made it clear that the polluting industries would be relocated; that land would be acquired;

that periodic reports would be filed; that progress would be reported to the Supreme Court. One cannot take the Supreme Court for granted. There has been one hearing after the other. One cannot hold the people and the environment of Delhi to ransom merely because hooligans have decided to take to the streets. And I think the Supreme Court has a right in protecting our democracy from being distorted. What is happening is not democracy. It is distortion of democracy. What is happening is a situation where it appears that people can take to the streets and defeat any policy of the Government.

Madam Chairperson, the Master Plan has the status of a statute. We change the statutes; we make and unmake them everyday. The hon. Minister has rightly said in his statement that, if need be, the Master Plan would be changed, altered. But I would like to make the plea that the Master Plan should not be taken too lightly. If you take it too lightly, the environment will be destroyed. This Master Plan was not prepared by this or that Government. It was prepared by experts; it was prepared by successive Governments and sustained by successive Governments. When it comes to environment, let us rise above our party affiliations and party politics; when it comes to environment, let us rise to solve the crisis and see that whereas the human problem is solved, whereas relocation is taken up on a high priority basis, at the same time, we don't forget that we have promises to keep. Chapter IV (A) was inserted in the Constitution; one of the best things that happened during the Emergency; not all that happened was good, but this was something very good. This Chapter is titled "Fundamental Duties", and the first thing in the Fundamental Duties is the protection of environment. This is a commitment of the nation. This is a constitutional mandate and imperative. Someone said -- and I was surprised that my good friend, Dr. Karan Singh, also said so -- the Master Plan should be altered and changed in order to accommodate the polluting as well as the non-polluting industries. If that is the purpose of his plea, I am afraid, this country, this House, this world, will not agree with him. I am afraid, you cannot change the standards merely because you have violated them. You are legitimising a violation. In the first place, these industries have been built there in an illegal way. It was a total violation of the law. The law-keepers and the law-makers looked the other way while this was happening in our country. Let us remember one thing that law protects only those who will protect the law. धर्मो रक्षति रक्षतः says our ancient scriptures. Let us not forget that every single infraction of law, every light-hearted violation of law, will come home to roost. Let us not forget that

when you violate the Master Plan, when you change the Master Plan, without thinking of what will happen, you have to keep in mind the ecological standards of protection of that environment. There are residential houses there; there are people who live there. There are now industries located in that area. How has it happened over the years? It is the most perverted distortion of democracy. Under the banner of democracy, this has happened, and it has received support and comfort from many in power or out of power. It does not matter, because I speak across all party borders. I speak as a citizen of India whose commitment, first and foremost, is to environment, is to the alleviation of human misery. These two have to be reconciled in the present situation. I must congratulate the Minister for having laid on the Table of the House a statement which seeks that reconciliation, of which I have just spoken, which seeks to enforce democratic norms and the discipline of democracy, and, at the same time, address the question of the suffering of many lakhs of people.

I would like to congratulate him for putting the whole issue in perspective, because, until the order was made by the Supreme Court yesterday, the people thought that it was the passiveness of some Government departments at the Centre which was creating the situation.

We go back to 1996 when the order was made on December 18, 1996. A Principal Secretary to the Government of the National Capital Territory of Delhi assured the court through an affidavit filed in the court that possession of 1300 acres would be taken by the NCT and calls of allotment were being supplied to the industries. The order, as the Supreme Court spoke, is specifically of relocation. We can't digress from the purport of that order; we can't digress from the thrust of that order. Madam Deputy Chairperson, I invite you to look at the content of the order and to see that the order of the court is observed, both in letter and spirit. The change in the Master Plan, if it involves change in standards, if it is to legitimise pollution, that change, I am sure, will be struck down by the Supreme Court itself. No Government should take such a risk and, certainly, I think, the present Government will not take the risk of altering the Master Plan merely to suit the convenience of a few politicians or a few businessmen or a few industrialists. It has got to be borne in mind that this is an agitation of the hooligans and this has got to be nipped in the bud. We can't allow the city to be taken over by hooligans. We can't allow this city to be held to ransom by people who violate the law and make a virtue out of that violation.



Madam Chairperson, I think, it is important for them to remember that many years have passed, and time will be needed to relocate the industries, particularly, the polluting industries. If there are non-polluting industries, one can still live with them. I would like a green and clean Delhi. That is our view, that was the view of all our successive Prime Ministers; and that is the dream which must be fulfilled if we have to observe the tryst with destiny, which our Pandit Jawaharlal Nehru spoke at the midnight of our Independence. Where is the tryst with destiny? There is indiscipline. We enthrall indiscipline and say that this is public cause. Let us understand that relocation is a priority; that acquisition of land is a priority, that allotment of land to people, not only for industries, who will be relocated, is important.

Madam Chairperson, I hope, the Government of Delhi and the Government of India will make sure that individual who are working in those industries are also protected. Most of the time, the industries can take care of themselves. It is the marginalised individuals who can't take care of themselves. Where does they go? Where will be the health services for them? Where will the requirement of education to their children be fulfilled? This must be done, because we owe it to our citizens to provide for this, through a course in ecology. The citizens owe it to the Government to see that as the people of the country, we observe the best ecological standards.

There is a word I coined long time ago, some 25 years back, and that is 'ecocide.' Like genocide, ecocide is barbarous. It can't be permitted to be perpetrated on the people and the nation. The metropolitan cities are flourishing, but they can't be allowed to flourish on the burial ground of civilisation. Here is an issue of greatest importance in India. Let all the democratic Governments remember that their responsibility is not only to the noises that they hear, but also to posterity. Let them understand that they have to reconcile the claims of humanitarian adjustments with the claims of ecology, neither of which can take a second place. They must go hand in hand. For that purpose, I think, time will have to be taken. The amendment of the Master Plan to legitimise violations is an easy way out. It is what creates a 'Soft State' and a Soft State can never achieve anything. We must understand that we have a responsibility here.

We have rights and we have responsibilities. Let us balance those responsibilities and rights. Let us support the Government of Delhi which

may have been remiss over the years and now. But let us support the Government of Delhi and let us support the Government of India in relocating these people, the industry, the workers and the people who find their livelihood there. Let them do it in a way in which the minimum of inconvenience is caused, the minimum of injustice is caused. That is what a democratic state has as its ethos and as its principles. I am sure that in lending our support to this statement which has been placed on the Table of the House-- it is nothing but a clarification. The newspapers contain a great deal more - some of it is gossip, some of it is scandal, and some of it is the hard truth. Let us understand that this whole cause of ecology will not be allowed to be hijacked by hooliganism, by violation of court orders, by disregarding the court orders which have been made in public interest. Let us understand that the Supreme Court deserves the full support of the people of India. Let us understand that the Government of India and the Government of Delhi deserve the support in relocating these people. Let us not make an issue out of it which does not arise.

We are the Council of States. The Council of States must remember that States have their responsibilities, States have within their purview certain duties and functions. This Council of States must understand that the State which is responsible for it, will be called upon to discharge its functions. We must not take political advantage of a particular crisis, neither on this side or nor on that side. I think it is in that spirit that we can create a consensus on ecology, on environment and on a relationship between democracy and development; development not at the cost of democracy nor democracy at the cost of development. This is my submission. Madam Deputy Chairperson, I do hope that this should receive the support of one and all because it is not by destroying environment that we will secure the humanitarian ends that we have in mind. Nor is it possible to secure the ecological ends by ignoring the humanitarian needs. A reconciliation is possible, a reconciliation is imperative. But a reconciliation should not be made by capitulating to the forces of hooliganism, agitation and violence. Thank you.

SHRI KAPIL SIBAL (Bihar): Madam Deputy Chairperson, I thank you very much for this opportunity. Madam, I rise to participate in this very significant debate. I listened with rapt attention to my learned friend Dr. Singhvi who has espoused the cause of environment. He has said that the forces of hooliganism ought not to become victorious at this juncture. We all support the cause of environment. But we do not live in ivory towers.

We recognise the ground reality and it is in that context that we ought to approach this problem. In urban agglomeration especially in the less developed world where the poor and the needy neither have power nor shelter nor water nor roads and where the small people do small businesses for a daily living, what are these people to do? The problem of urban agglomerations, the problem of unauthorised construction, the problem of small businesses operating in residential areas is not a problem that is restricted only to Delhi. It is an Indian problem, it is an urban problem. It is not an urban problem only in the context of India. It is an urban problem with respect to the less developed world. There are economic reasons for it.

Dr. Singhvi is, of course, well advised because he lives in a glass tower, in an ivory tower. He cannot see beyond the four corners of his air-conditioned room. He cannot see the squalor on the streets and the condition in which people in our country live. So, naturally, he calls them as hooligans and he calls himself as the representative of the environment...(Interruptions)...

SHRI ADHIK SHIRODKAR (Maharashtra): Dr. Singhvi did not use the word 'hooligans.' The Supreme Court used it yesterday...(Interruptions)...

SHRI KAPIL SIBAL: All right. Dr. Singhvi agrees that they are hooligans but I would rather espouse the cause of these hooligans than espouse the cause of environment. I will stand by these hooligans because these hooligans are fighting for their life, for their livelihood and it is the machinations of the State - I do not blame any particular party which has led to their plight. The Supreme Court has not said that those hon. citizens. ...(Interruptions)...Please, do not interrupt me...(Interruptions)...

SHRI SATISH PRADHAN (Maharashtra):: What about the Government's decision on 7<sup>th</sup> June, 1999?... (Interruptions)...

SHRI KAPIL SIBAL: Please, do not interrupt me. ... (Interruptions)...

SHRI SATISH PRADHAN: Speak about your Delhi Government's decision of 7<sup>th</sup> June, 1999... (Interruptions)...

SHRI KAPIL SIBAL: Anyway, I will stand by the citizens. ... (Interruptions)...

SHRI SATISH PRADHAN: You speak on that decision.  
...(Interruptions)...

SHRI KAPIL SIBAL: The Supreme Court has not said that those poor citizens are responsible for the ills that the residents are facing. The Supreme Court has not said it. The Supreme Court has said that the State did not perform its functions. The State did not provide them with adequate infrastructure. The State has not relocated them. So, the responsibility is of the State; but the punishment is for whom? The citizen! The Supreme Court is not punishing the State for the defaults of the State. The citizen is being punished, and we will never accept that.

SHRI SATISH PRADHAN: You say about your Government.  
...(Interruptions)...

SHRI KAPIL SIBAL: We will tell you about that also...(Interruptions)...There need not be any cross talk on this. Madam, this issue came up before the Supreme Court in 1995, and it was in April, 1996, that the Supreme Court set up a Committee, and that Committee consisted of the Delhi Pollution Control Board, the DDA and the Municipal Corporation of Delhi. It was decided that land should be acquired for the purpose of relocating these industries. I am told that the number of industries is 1.25 lakhs. Of them, 25,000 industries are in conformed areas. So, really, we are concerned with one lakh industries. This Committee was set up and this Committee was to acquire land. As you know, the BJP Government was in power from 1993 till November, 1998. The Supreme Court also said that by January, 1997, this relocation should take place. In October, 1996, pursuant to the notifications that were issued during the year, the Supreme Court was told that 1,300 acres is sought to be acquired in Bawana; and I will request the hon. Minister to correct me wherever I am factually incorrect. At that point of time, when the decision was taken to acquire 1,300 acres of land, the Supreme Court said, "Now, we are very happy that the Delhi Government is taking the issue seriously. So, we would let the Committee deal with the matter. Therefore, by January, 1997, we will assume that everything would have been done and all those industries would have been relocated." The acquisition took place, but everything thereafter stopped, as if the clock had stopped. They were supposed to relocate these industries after the acquisition. But, Madam, throughout 1997, nothing had happened. I would like the hon. Minister to tell the Members of this House as to what had happened from January +

1997 to November, 1998. What steps were taken by the Delhi Government to give effect to the Supreme Court order? In April, 1997, they decided to call for tenders, when they were supposed to implement the order of the Supreme Court. In April, 1997, they appointed seventeen consultants for the purpose of having an environmental impact study, how these persons should be relocated, etc. Then, competitive bids were invited in January, 1998. One year had passed. After competitive bids were invited, there were seventy tender documents, and 42 firms participated. By that time, it was June, 1998.

Ultimately, the Government fell in November, 1998. Nothing happened. Even the consultant was not finally decided. In other words, from April, 1996 to November, 1998, when the BJP Government was in power, nothing happened. The order of the Supreme Court was flouted, on a daily basis, from January, 1997, till they fell in November, 1998. Well, when the Congress Government came to power, immediately, the consultant was appointed. In fact, the consultant was appointed on 30<sup>th</sup> December, 1998, by the Congress Government. Who was the consultant? The RITES was the consultant. Then, they had to prepare a study because nothing had been done by the BJP Government. They had to prepare a detailed study. I will tell you what happened. What studies were prepared? On January 7, 1999 - because the RITES was appointed in December, 1998 - the work was awarded to them. There was no delay. Thereafter, the RITES conducted a detailed study, including the survey of industries with respect to power supply, water supply, sewerage, solid-waste management, proposed layout plan. All this was done by the Delhi Government. What is surprising is, these plans had to be sanctioned by the Municipal Corporation of Delhi, which is controlled by the Central Government. Application was made for the sanctioning of plans. The sanction came only in October, 1999. As you know, Madam Chairperson, nobody could have relocated these industries unless the plans were sanctioned. But the Municipal Corporation of Delhi was not the only authority which was to decide this matter. As you know, in the complex situation of Delhi - Delhi does not have the status of a full State - the land use had to be changed, under the Master Plan. And the land use could only be changed by the Delhi Development Authority, which is also controlled by the Central Government. Now, an application was moved to the DDA to change this land use. Do you know when did they change the land use? In October, 2000! I would like to be corrected by the hon.

[22 November, 2000]      RAJYA SABHA

Minister, if I am wrong. So, the facts are: in October, 1999 the MCD approved the plans, but nothing could be done after the approval of the plans. It was only in October, 2000 that the land use was changed. Therefore, the Delhi Government could not have done anything, till these things were done by the MCD and the DDA. Then, why do you blame the Congress Government? Please answer the people of this country, the citizens of Delhi, as to what you were doing when you were in power. So, when this happened, the Delhi Government realised the enormity of the problem because the land that was acquired in Bawana was only about 1300 acres, of which only 1065 acres could be used. Rest of the land could not be used. You can't relocate one lakh industries in 1065 acres. It is just not possible. So, in June, 1999, the Delhi Government decided to acquire another 800 acres of land. Then, they moved to the Supreme Court, because in the meantime, they conducted a study, and applications were invited - as is clear from the Statement of the hon. Minister - as to how many people would like to be relocated. Ultimately, 52,000 applications were filed, and only 23,000 odd were declared to be conforming. Today, the situation is that 30,000 people want to be relocated. During this period, the Delhi Government realised that there was no land. Where is the land with the Delhi Government? Either you accommodate these people in the National Capital Region, which also has to be done at the instance of the Central Government, or you convert the green belt in Delhi and rehabilitate these people. You need the green belt in any case because these are the lungs of Delhi. So, it is not a very easy problem where you start extolling the virtues of environment. You are dealing with the basic human problem of the poor people in this country. Where should they go?

If it is a tailoring shop, you cannot expect him to go 30 kilometres away to set up a tailoring shop. If there is a drycleaners shop - all these are non-conforming industries - he will have to travel 30 kilometres to give the drycleaned clothes to the person to whom he is rendering his services.

THE DEPUTY CHAIRMAN: But drycleaners and tailors do not pollute the atmosphere.

SHRI KAPIL SIBAL: But they are covered in the orders, Madam. *(Interruptions)* That is the problem.

THE DEPUTY CHAIRMAN: They come under the service sector.

SHRI KAPIL SIBAL: These are non-conforming industries. Madam, it happens only when you are far from the reality; when you are interested only in the creamy layer of the society. The problem arises when you have to respond to the voice which is 12,000 miles away. If you want to cater to the needs of the poor people, please look at the poor citizens of your country. If you want to cater to the needs of only one million people of this country; if you want to run the country only for those one million people, then it is fine. Then, all this is acceptable. But, do tell the people "we are only for these one million people; we are not for the others." Tell them all this honestly.

Madam, in this context, what actually happened was this. A petition was moved in the Supreme Court. The petition was filed in respect of 15 areas. Seventy per cent of those areas were occupied, or there were non-conforming industrial units there. Now, unless you change the Master Plan, it would be an impossible task to relocate them, considering the facts that I have placed before you. And the interesting thing is this. The Supreme Court said that you can change the Master Plan. Nobody told this fact to the hon. Members of this House. The application for the change of Master Plan was made as early as in October, 1999. The hon. Minister, in his statement, said that this came to his notice only in December, 1999. The application is also required to be made to the Delhi Development Authority. So, application was made to the DDA. The DDA, in fact, approved the change in Master Plan. The DDA, which is under the control of the Central Government, sent that approval to the Ministry of Urban Development. All this transpired in the year 1999. The Ministry of Urban Development kept that file for one year. In the meantime, the matter went to Supreme Court. When they went to the Supreme Court, the Supreme Court asked "what the Ministry of Urban Development had been doing for the last one year?" The more interesting thing is, the Supreme Court said that there was no problem in changing the Master Plan. These are not my words; these are the words of the Supreme Court. I will read out the order of Supreme Court, dated 30<sup>th</sup> August, 2000. After the Supreme Court was told that there had been a large scale infringement of the Master Plan, the Supreme Court issued an order which says "the effect of this is that the infringement of the law continues, that is, of the Master Plan. If the law which has been promulgated is such that it cannot be implemented, then the logical solution would be to amend the same." These were the words of Supreme Court. If you cannot implement this

law, please amend it. And the Ministry of Urban Development said "we would not amend it." That is the problem, Madam. That is the real problem. It is not that the law cannot be amended; it is not that the Supreme Court ordered not to amend the law, as Dr. Singhvi made it out to be. The Supreme Court is equally concerned about the poor people of this country. The Supreme Court further says "it appears to us that the authorities concerned do not appear to be serious in seeing that anything is regularised or carried out in a regular manner, in accordance with the law. Neither is the law implemented, nor enforced, nor changed." The Supreme Court was so much desperate or frustrated that it said "either you implement the law and relocate them; either you enforce the law, stop the obnoxious industries, if there are any, or change it.

And you know, Madam, what the Supreme Court has said in the same order. This is the submission of one of the Additional Solicitors-General on behalf of the National Capital Territory of Delhi. It says and I quote, "He submits that the Delhi Administration had written to the DDA for changes being brought about in the Master Plan so as to permit some more innocuous industries to be allowed to work in the residential areas. ... "Please note this sentence, "...Despite a letter having been written more than a year ago in this regard, the Master Plan has not so far been amended." I am not saying so. This is the Supreme Court's order. So, Madam, if the Supreme Court said that we have no problem of your amending the Master Plan, then why did you not amend it? That has to be answered. Why did you wait for all these years?

THE MINISTER OF URBAN DEVELOPMENT AND POVERTY ALLEVIATION (SHRI JAGMOHAN): I want to know whether this is the submission of the Solicitor General or the Additional Solicitor-General on behalf of the Government, or this is the observation of the Court.

SHRI KAPIL SIBAL: No, Sir, these are the observations of the Court. I will read out the whole thing.

SHRI JAGMOHAN: But you are quoting only a part of that Order.

SHRI KAPIL SIBAL: No, Sir. I may be wrong. That is why I said, you are welcome to correct me at any stage. I will quote the entire paragraph so that you decide for yourself as to whether it is the Solicitor General's statement or the Court's observation. I will read it. "Mr. Ronthagi,



appearing for the N.C.T. of Delhi submits that it is the DDA which is the authority concerned with regard to implementation and enforcement of the Master Plan. He submits that the Delhi Administration had written to the DDA for changes being brought about in the Master Plan so as to permit some more innocuous industries to be allowed to work in the residential areas. Despite a letter having been written more than a year ago in this regard, the Master Plan has not so far been amended. It is evident that this is the case of "passing the buck" with no one assuming responsibility for implementation of the orders or enforcement of the law." Now, you decide for yourself, Sir; and the hon. Members of this House can decide for themselves as to what the Supreme Court meant. I have already read the observations of the Supreme Court earlier that the only logical solution would be to amend the Master Plan. Now, if the Supreme Court says that we have no problem, why does the Urban Development Ministry have a problem? Therefore, we now come to the year 2000. Madam, when none of this was happening, the Supreme Court said, "Enough is enough; we can't deal with this problem any more. We have given you time from 1996. You have come with an application for amendment of the Master Plan." Now, Madam, the Union of India files an Affidavit that we will not amend it. This is in August, 2000. I will read the Affidavit of the Union of India. What did they do? They filed this affidavit in the Court, and this is what they said. I will quote it. This is after the August order. They say, "The proposal of the Government of Delhi for allowing continuance of industries in certain residential areas was forwarded to the DDA, who in turn has forwarded the same to the Ministry of Urban Development. The Ministry of Urban Development have not approved the proposal nor does it propose to take any further step." The Court says, "No problem, you can amend it."

SHRI JAGMOHAN: If you give me a minute, I will correct the fact. The point is that what you are quoting is only a part of it, and tearing it out of context. Now, the Supreme Court actually passes the order. The Supreme Court has all along been emphasising that our orders are not being observed, because we are being forced to agree to *in situ* regularisation. When the Ministry of Urban Development says that we will not amend the Master Plan, you know what are the grounds on which they say this thing. The Supreme Court also observes : "Can the Master Plan be amended to encourage pollution? Can Master Plan be amended to reward the wrong-doors?" These are the questions which the Court had itself raised, and you are not reading any one of them.

[22 November, 2000]      RAJYA SABHA

SHRI KAPIL SIBAL: Madam, I am glad that the hon. Minister has pointed this out. Could I request the hon. Minister to point out any order of the Supreme Court where the Supreme Court has made those observations?

SHRI JAGMOHAN: Yes; I will quote that.

SHRI KAPIL SIBAL: Please quote that. The Supreme Court has never made it; they may have made an oral observation, but the Supreme Court has never in its Order has recorded such things. 11-2000 I have got the orders of the Supreme Court.

Madam Chairperson, apart from that, I am reading the order of the Supreme Court in cold print, which says that if you cannot implement it, the logical solution would be to amend the same. This order is there in cold print. Either this order reflects what the Supreme Court thinks or it does not. Let the hon. Members decide this for themselves. I am not going to enter into a polemical debate on this issue. The point I am making is that, after all this was done, after the Supreme Court says that you are not going to amend it, and after you filed the affidavit, after the Ministry of Urban Development filed the affidavit saying, "We are not going to accept the proposal," what do you expect the Supreme Court to do?

SHRI JAGMOHAN: What are the grounds for that? This is what the Supreme Court has said, "This is the only sane voice." The Supreme Court has also recorded this. This has all been reported.

SHRI KAPIL SIBAL: Don't go by reports. Go by the orders of the Court.

SHRI JAGMOHAN: Which are the 70 per cent industries that you are talking about? Are they polluting industries? Have they been put up in residential areas?

SHRI KAPIL SIBAL: I will answer this question.

SHRI JAGMOHAN: Please answer this question only.  
...(Interruptions)...

SHRI KAPIL SIBAL: This is a constructive debate.

SHRI JAGMOHAN: I want to make one point clear. You are referring to 70 per cent industries. I will give you a reply in detail. These are the industries that have come up illegally, that have come up against all norms of planning. The Supreme Court itself had passed orders, "After 1995, don't give any licence." Even yesterday, the Supreme Court has called for an explanation from the Government of the National Capital Territory, "You explain how you have given the licences. How have these come into being?"

The question is: are you condoning the illegality? Do you want to conserve it? Do you think that the Supreme Court is going to do that? It has also been observed, "What they are doing is that they are rewarding the wrongdoers and they are punishing the law-abiding citizens."

I will come to how the 70 per cent has been worked out. You have a colony, Maharani Bagh. You also live in Maharani Bagh. They say that it is an ivory tower. Maharani Bagh is no less than an ivory tower. You agree with this.

SHRI KAPIL SIBAL: True. But I am not against poor people.

SHRI JAGMOHAN: Suppose some industries come up there and, tomorrow, Maharani Bagh is declared an industrial area, by amending the Master Plan. Somebody makes a recommendation. Some politicians recommend that. You are a law-abiding citizen, and I am a lawless element. I go as a resident and set up an industry in your colony. I live in an ivory tower somewhere else. You say, "All right. Regularise all these industries." It means that you reward a lawless element, one who has broken the law, one who has broken the environment law, the bye-laws of the Corporation, the Master Plan, the DDA laws and all other things. You say, "Regularise." It means that Mr. Kapil Sibal, who is a law-abiding citizen, should move out of the colony or he should be condemned to live for ever in that industrial area. Do you want this type of a country? Do you want this type of a city where any person can go and do a wrong thing, get rewarded, allowed to stay there and we should put a garland in his neck because the person has done the right thing and the law-abiding citizen should move out and live somewhere else?

SHRI KAPIL SIBAL: I appreciate that. I will answer that.

SHRI JAGMOHAN: This relates to the whole logic of the Master Plan.

SHRI KAPIL SIBAL: I will answer anything.

SHRI JAGMOHAN: As a lawyer, you can answer anything. But the point is: is it justice? Is it a fair play? Is it the fundamentals of the Constitution? This is the basic question.

SHRI KAPIL SIBAL: I appreciate the point that you have made.

The hon. Minister has rightly asked, "If somebody comes and set up an industry, will I not object to it?" The answer is, "Yes." But, if 70 per cent of the people have set up industries in Maharani Bagh, I have no right to object. ...*(interruptions)* ...

The point is: how did you allow those people to come in? Having allowed them to live there for fifty years, you cannot, one day, suddenly, tell them to go somewhere else.

SHRI JAGMOHAN: What you mean is that if there is an infringement on a large scale ... *(interruptions)* ....

SHRI KAPIL SIBAL: No. I am sorry. Let us not talk about laws because laws are violated from the precincts of this House to Kanyakumari, on a daily basis. I would like you to correct that for me.

Madam, there are humane situations, in the context of which laws are violated. That does not mean that we should condone violations. It means that we stand by humane situations and deal with the problem. That is the point....*(interruptions)*

Let me finish now.

SHRI JAGMOHAN: He has quoted the judgement, but saying something different.

SHRI KAPIL SIBAL: No, Sir. Let me now complete. So, in this frustration, the Supreme Court said, What can we do? The Ministry says, We will not amend the law though it is logical to amend.

## RAJYA SABHA [22 November, 2000]

SHRI JAGMOHAN: Where does it say, it is logical to amend it.

SHRI KAPIL SIBAL: I have read it already. He is now going to enter into a discussion. It says, "The logical solution would be to amend the same."

SHRI JAGMOHAN: This is not the logical solution.

SHRI KAPIL SIBAL: Doesn't matter. You may disagree. I am happy that the hon. Minister says that what the Supreme Court has said in its order is not the logical solution. That is all right. I have no problem with this.

SHRI JAGMOHAN: Again, this is a lawyer's twist.

SHRI KAPIL SIBAL: I do not mind that. If you disagree with the Supreme Court's order, I have no problem.

SHRI JAGMOHAN: You mean, the Supreme Court will accept anything which is against the environment itself.

SHRI KAPIL SIBAL: Let us be clear. We are not anti-environmentalists. But we are pro-people. Environment and sustainable development must go hand in hand.

SHRI JAGMOHAN: Pro-people who are law abiding.

SHRI KAPIL SIBAL: It is not as if in the 19th century industrialised England, there were laws relating to environment which were operative of the 20<sup>th</sup> century. No. There were none. There was smog and fog in England. People still made their living. That is how England became a great industrialised country. Now, please don't destroy Rs.5000 crores of revenue and assets. If you close down the industries tomorrow, that will be lost. What happens to a million and half people? They will be affected. Where do have you the land?

SHRI JAGMOHAN: It is a new economic theory that we should do illegality to perpetuate this thing.

SHRI KAPIL SIBAL: It is not a question of illegality. Tomorrow, if there is a 99 per cent tax, people will evade the tax. It is not a question of illegality. It is a question of irrational law.

SHRI JAGMOHAN: This Master Plan was approved by Parliament.  
...(Interruptions)...

SHRI KAPIL SIBAL: When there was a 99 per cent tax, people in this country paid the tax. The logic was to reduce the tax rate to 30 per cent. The logic is to regularise and have a long-term planning for Delhi, shift them to the NCR, go to the court and say, "There is a real human problem." Let us all get together. In this context, the Delhi Government, the Central Government, the DDA and other concerned organisations must get together, unitedly go to the court and say, "This is a real human problem", we want to have a long-term solution; give us time, we will have the long-term solution. Let not politicians make statements outside the House in order to get political mileage. So, let us unitedly go to the court. That is my request to the Minister. Please don't make the people suffer for the defaults.

THE DEPUTY CHAIRMAN: Kapil Sibalji, I want to remind you; there were 27 minutes for the Congress Party. You have taken more than that.

श्री राजू परमार : 10-15 मिनट तो जगमोहन जी ने आग्युमेंट में निकाल दिए ।

THE DEPUTY CHAIRMAN: I can give ten minutes for that. I have two more speakers listed here.

SHRI KAPIL SIBAL: I am finishing. I am just concluding. I have not repeated any point. The first point I want to make is, for the default of the Government, please don't punish the citizens. That is number one.

The second point I am making is no matter how you implement this law, no matter what you do about the closing of industries, people whose livelihood depends on this will not accept it.

Number three, please look at the ground reality and jointly go to the court and seek time for a long-term solution.

As far as the polluting industries are concerned, you have asked me a question. I want to inform you that out of a lakh units, only 4,000 are polluting units. You have already accommodated a large number of units at Narela.

SHRI JAGMOHAN: From where have you got this one lakh figure?

SHRI KAPIL SIBAL: That is in the Supreme Court order also. There are 4000 polluting units. As far as the hazardous units in Delhi are concerned, they have already been closed down. So, for these 4000 units, seek some time; for the balance, apply your mind on regularisation. If you do it, have a long-term policy. Tell them, "we will give two or three years time to shift." In the meantime, allow them to continue. Don't punish the poor man for the default of the Government. Thank you very much.

**उपसभापति :** रामदेव भंडारी जी आपके बोलने के लिए पांच मिनट हैं।

**प्रो.रामदेव भंडारी (बिहार):** महोदया, माननीय मंत्री जी ने अपने बयान के अंत में कहा है कि आवश्यक होने पर सरकार उद्योगों की पुनःस्थापना और अधिक भूमि अधिकृत करने के लिए मास्टर प्लान को संशोधित भी करेगी। माननीय मंत्री जी के बारे में लोगों के मन में यह धारणा थी कि मंत्री जी दूट सकते हैं, झुक नहीं सकते। मैं मंत्री जी को धन्यवाद देता हूँ कि उन्होंने इस बार गरीबों के हित में मास्टर प्लान में संशोधन करने की बात कही। वैसे जहां तक मैं जानता हूँ, श्री जगमोहन जी जैसे व्यक्ति जो दिल्ली में रहते हैं, उनका न गरीबों से कुछ लेना-देना है और न गरीबी से कुछ लेना-देना है। ये कुछ लोग जो शीशे के घरों में रहते हैं, प्रदूषण की बात करते हैं, इन्वायरनमेंट की बात करते हैं। उनको अपने शीशे के घर के बाहर गरीब दिखाई नहीं पड़ते, जो सैकड़ों-हजारों किलोमीटर दूर से यहां रोजी-रोटी की तलाश में आते हैं। जो लोग यहां छोटे-छोटे कुटीर उद्योगों में, लघु उद्योगों में काम करते हैं, ये कोई उद्योगपति नहीं हैं, ये गरीब लोग हैं जो कि छोटी सी जगह में उद्योग चलाते हैं, अपना कारोबार करते हैं और अपनी रोजी-रोटी चलाते हैं। इन बड़े लोगों को दिखाई नहीं पड़ते कि ये गरीब लोग भी इसी देश के रहने वाले हैं। ये तो सिर्फ दिल्ली को साफ-सुथरा रखना चाहते हैं। इनको ग्रीन दिल्ली चाहिए, क्लीन दिल्ली चाहिए। मगर जो लाखों गांव क्लीन नहीं हैं, जो ग्रीन नहीं हैं उनकी इनको चिंता नहीं है। तकरीबन डेढ़ लाख दिल्ली में उद्योग हैं जिनसे करीब 15 लाख लोग जुड़े हुए हैं। उनके परिवारों को भी अगर आप जोड़ लें तो दिल्ली की संख्या कम से कम एक तिहाई हो जाएगी। इनको आप कहां ले जाएंगे ? इन्हें उजाड़ने से पहले सरकार को चाहिए था कि वह इनको बसाने का इंतजाम करती। महोदया, कल शाम को मेरे घर पर मेरे गांव से दस दर्जी लोग आए थे। मेरे गांव के अगल-बगल के सैकड़ों लोग दर्जी का काम करते हैं, उनकी दुकानें बंद हो रही हैं। आप ठीक कह रही थीं कि दर्जी इन्वायरनमेंट में कौन सा पॉल्युशन फैलाते हैं। इस तरह छोटा-छोटा काम करने वाले जो लोग हैं, छोटे-छोटे उद्योग चलाने वाले लोग हैं, इनसे कोई पॉल्युशन को खतरा नहीं है, इन्वायरनमेंट को कोई खतरा नहीं है।

**उपसभापति :** मैं तो यह पूछ रही थी कि वह कपड़े सीने वाले इन्डिविजुअल दर्जी हैं या कारखाने हैं? कारखाने से पॉल्युशन हो सकता है, इन्डिविजुअल दर्जी से नहीं हो सकता।

**प्रो.रामदेव भंडारी :** मैडम, पॉल्युशन आफ नॉयज तो शीशे के घर में रहने वाले को सुनाई नहीं देता है। इन गरीबों को उजाड़ने से पहले इनके बसाने का इंतजाम होना चाहिए। इसके लिए मास्टर प्लान में जो भी परिवर्तन करना पड़े, उस परिवर्तन को करना चाहिए। अभी कपिल साहब कह रहे थे कि सुप्रीम कोर्ट ने भी इस संबंध में कोई इशारा किया है। मैं कानून की

3.00 P.M

बहुत सारी बातें नहीं जानता हूँ। यहां पर जगमोहन जी बैठे हुए हैं, ये जानते हैं कानून की बातों को। मैं तो गरीबों की बात कर रहा हूँ कि ये जो पन्द्रह लाख लोग हैं और इनसे जुड़े इनके परिवार के लोग हैं, इनकी रोजी-रोटी छीनने से पहले, रोजगार छीनने से पहले, इनको उजाड़ने से पहले इनको बसाने का इंतजाम होना चाहिए और इनकी रोजी-रोटी का इंतजाम होना चाहिए। यदि मास्टर प्लान में किसी तरह का परिवर्तन करने की जरूरत पड़े तो उसे अवश्य करना चाहिए। इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

THE DEPUTY CHAIRMAN: Mr. Virumbi. Please take the hint from Mr. Ramdeo Bhandary. He spoke only for four minutes and saved one minute.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Madam Deputy Chairperson, today, we are dealing with an issue which is agitating the minds of not only the people living in the Capital but also the people living in other parts of the country. Nearly 60 lakh people are sandwiched between the ground reality and the pronouncements of the Supreme Court.

Madam, already, six persons were injured, three persons lost their lives and one person burnt himself on this issue. When we approach this issue, we have to be apolitical. Then only we can do something, and that is what the nation expects from this august House. Regarding the pollution control, firstly, the Supreme Court have directed to close down some 168 hazardous units. Out of them, 167 larger hazardous units have already been closed down and not relocated, thereby, 20,000 workers have already been thrown on the roadside. This is what we learnt through the Press reports. Then, Madam, 36,000 units have already been directed to be closed down, but it was not done. Now, we have to see this thing in the light of article 21 of the Constitution of India. Then, there are intelligence reports that more violence may take place in the capital on this score. In fact, this issue had originated in December, 1995. At that time, the Supreme Court directed the Municipal Corporation of Delhi not to grant or renew any licence in the non-conforming areas. Now, after five years, the Supreme Court says: "In spite of it, you had deliberately violated our orders. That is why they failed." They said: "If you amend the Master Plan, then it becomes legal." But when the Advocate representing the Government of India asked as to what the observations of the Supreme Court in this regard are, they said: "In utter disgust, we are telling."



That means it clearly shows that they have not recommended the amending of the Master Plan. But when it is necessary, we will. But to the best of my knowledge, it was not the observations made by the Supreme Court. This is what I gathered from the newspaper reports. Then, in 1997, the High Power Committee was constituted. That Committee came to the conclusion that the renewal would be done only in respect of the units who have applied for alternative sites under the 1996 Relocation Scheme. Madam, how many units have applied? Some statistics have been given in the statement. But what I would like to know from the Minister is: How many units have applied for relocation? How many of them have actually been relocated? I have come to know from the newspaper reports that more than 23,000 applications are pending. When they go, what would be the situation? I quote from the *Times of India*. I quote the relocation order of October this year which has been received by some affected party. He has stated: "When I went to the plot which was allotted to me, I was surprised to find the farmers farming there. How can I ask them to vacate?" This is the agony expressed by the person who got the relocation order. This is the situation. Therefore, the Delhi Government have applied for further time for the relocation of industries up to March, 2004 that request was denied by the Supreme Court.

That request was denied. After 168 large factories were closed, 36,000 small factories, as ordered, have also to be closed and nearly 97,600 units have been ordered either to shift or to close down. When this is the case, we feel that nearly 60 lakh people are going to be sent out of the steam. Therefore, this is not a small issue. How do we solve the problem? Merely speaking on the issue is not going to solve the problem. For solving this problem, we have to identify the relocation areas and we have to provide the infrastructural facilities. That is the main issue. It has not yet been done. What they say is, the area set aside so far lacks the infrastructural facilities. We have to concentrate on that.

"No relocation plan was prepared in such a way that it could be implemented." That is what they say. You have to go through that. However, the Government of India has now agreed for a redefinition of "household industries". From the statement I find that that the Government would request the Supreme Court to give a little more time for relocation. "A little more time" means the Government should make a plea for a quinquennium not a year or two, because one lakh industries cannot be relocated within six months or one year. That is what I feel.

This problem cannot be solved by blaming one unit or one organisation or one office. It should be solved by making coordinated efforts. We have to see what went wrong, and where. Who has committed the mistake is not the question. What we have to do now and how we have to pursue the matter is the main issue. The Urban Development Ministry, the MCD as well as the National Capital Territory Government must unite together and find a solution in a coordinated manner. That alone can solve the problem.

Sir, even the order....(Interruptions)...

THE DEPUTY CHAIRMAN: "Which Sir" are you addressing? The Minister?

SHRI S. VIDUTHALAI VIRUMBI: The Minister, through you, Madam. Sorry Madam.

THE DEPUTY CHAIRMAN: I never realised that I change my sex easily!

SHRI S. VIDUTHALAI VIRUMBI: Madam, when they issued orders for closure, for sealing, some politics took place in the last week, in the last fortnight. I do not want to identify the political party, by naming it in the august House, but I would only like the House to refer to a news item which has appeared today in the *Times of India* under the caption "Polluting yet protected". I request the authorities concerned to go through that news item. One political party is shielding certain people. That is what I feel. If they decide to shield people on political grounds, then this problem cannot be solved. Therefore, I request the authorities concerned to stay away from this. I also request the authorities concerned to look into this matter and see whether it is polluting the area or not. They should not see who the owner is, whether he is having a relation with any political big boss. In that way, this problem cannot be solved. Therefore, I request the Government, through you, Madam, that it should coordinate with the Government of Delhi, i.e. the National Capital Territory Government, and find out a solution. The problem cannot be solved by merely closing down the 97,000 units in the National Capital Territory. If anybody feels so, then the law and order situation will further deteriorate and that will aggravate the situation. Therefore, we stand by the workers, but, at the same time, we are also for the environment to be protected. Environment should be

protected, but not at the cost of the workers. Taking into account the agony of the workers, we must decide in such a way that the interests of both sides are protected in a balanced manner. With these words, I conclude. Thank you, Madam.

THE DEPUTY CHAIRMAN: Shrimati Ambika Soni. Not here. Shri Javare Gowda. You have three minutes.

SHRI H.K. JAVARE GOWDA (Karnataka): Okay, Madam Deputy Chairperson, I will try to finish within three minutes.

Madam Deputy Chairperson, till 14<sup>th</sup> November, 2000, none knew that the issue would crop up in this manner and attract the attention of the whole nation. I feel neither the policy makers, nor the legislators, nor the owners of the factories or the workers are concerned with the implementation of the Supreme Court order. I put it in this way. To save the skin of the bureaucrats, after the observations made by the Supreme Court, the bureaucrats became active and moved their political bosses or the Government. They said, "We are going to implement the order. Otherwise, our skin will not be saved". This is the sum and substance of this issue today.

Madam Deputy Chairperson, at the time of partition, in 1945 or 1946, the total population of Delhi was 6 lakhs. Now, it is 1.4 crores or 1.5 crores. During the expansion of Delhi, suburbs started coming up and industrial units also started coming up. Now, if one goes round Delhi, one will find that suburbs have come up in the middle of the city and residential areas have also come up. As far as normal life is concerned, we all know that pollution is a major problem. It is causing health hazards to all. At the same time, the workers and the owners of small units feel that they are not responsible for it. But we are saying that the industries are responsible for it and they should be shifted from the residential areas. I have heard both the BJP and the Congress sides. I am sorry to point out that it has been either the BJP or the Congress which has been ruling the capital. Now, they want to shift the burden to each other, the BJP to the Congress and the Congress to the BJP. But the thing is that they have not implemented the laws at all. They have not applied their mind to it. One way or the other, they give margin to their own followers, and the industry owners violate the laws and put up industries. Now, the issue is this. The Congress side says, "The poor workers and the poor owners are suffering".

The Government, the BJP and the NDA, says, "We have to protect the capital. First of all, we have to live. Then comes industry and development". But the real issue, whether it is before the Supreme Court or the common people or the workers or the industrial unit owners, is one of giving sufficient time. If the Master Plan has to be amended, it cannot be done in one day or one week or one month or one year. You make a plea before the Supreme Court. Let us join hands together, in the interest of the human lives involved, in the interest of the industry and the workers, as also environment. A plea should be made before the Supreme Court, whether it is the NDA or the Central Government or the Government of Delhi, headed by the Congress. It does not make any difference. We should make a plea that we are going to make Delhi healthy and we need some time to implement the Master Plan, as directed by the Supreme Court. If time is not allowed, there will be a lot of problems like 'hartal' and other things. Therefore, I request both the NDA Government at the Centre and the Congress Government of Delhi to make an application before the Supreme Court for a breathing time for implementing the guidelines set by the Government, whichever is the Government, in the interest of Delhi. Thank you.

SHRIMATI AMBIKA SONI: Madam, I am not going to make a long exposition of what has happened and who has to be blamed. My hon. colleagues Dr. Karan Singh and Shri Kapil Sibal have very clearly put forward the confusion, the contradictions and the shifting of responsibility from one authority to the other. I would just like to put very pointed questions to the hon. Minister. He has to answer just either 'yes' or 'no' because that would clarify the situation. Is it or is it not a fact that the Government of the National Capital Territory of Delhi sought permission from the DDA in October, 1999 to change the Master Plan, but they did not reply? They repeated the request in February, 2000 when it was forwarded to the Ministry of Urban Development. We want your answer either in 'yes' or 'no'. Is it a fact that there was no reply from the Ministry of Urban Development to the DDA or to the Delhi Government and *suo motu* without informing anybody they straightaway went to the Supreme Court and categorically rejected the demand for amending the Master Plan? Your reply should be in 'yes' or 'no'. After what we have seen in the last 2 or 3 days and which has not yet subsided, does the Minister feel or does he agree that in Delhi, of which he has been a very intrinsic part, because of the multiple authorities existing in Delhi, it is not always easy to take decisions and get them implemented? If one authority is under the control

of the BJP, the other authority is under the control of the Central Government or under the control of the Congress Party. Does it or does it not make the multiple authorities in Delhi not conducive to implementation of pro-people policies? If you agree with it, would you consider, as a solution to the problems of the people of Delhi, granting Statehood to Delhi so that they can have control over the land? They would be able to get enough land for relocating the industries which have to be relocated. They would have enough authority to see that if violation of laws takes place or if corruption comes in the way and people get way with it and ten years later you break their abodes, they would be able to exercise their authority and there would be no other person to be blamed. Finally, he is the Urban Development Minister. He is known to the people of Delhi. I do not want to say how and in what terms they think of him. We have seen in the last two-three days the upsurge of humanity on the streets of Delhi, blockade of traffic, breakages, firing, those who have been injured, countless people on the roads, without shelter, without any livelihood, people who have been dislodged by the Supreme Court order or your non-compliance to change the Master Plan of Delhi. To all this was added the growing anger and frustration of almost every citizen of Delhi whether he lives in a *jhuggi-jhopari* which you displaced and tried to relocate, but you could not or he lives in a small DDA house which he has bought from his life long savings or he lives in a posh colony of South Delhi or Central Delhi. All those people today live under a nightmare. Instead of going about it in a rational way, making the people law-abiding, making Delhi a non-polluted beautiful city, you have just created terror in the minds of everybody. There are breakages all over. People do not have sound sleep in the night. All this which was seen on the roads is a fear psychosis which you have created in the minds of the people of Delhi. I would like you to answer my questions either in 'yes' or 'no' and the last question as explicitly as you can. Thank you.

**लाला लाजपत राय (पंजाब):** आदरणीय उपसभापति महोदया, मैं आपके प्रति आभार प्रकट करता हूँ कि आपने मुझे बोलने के लिए समय दिया। सब से पहले मैं यह कहना चाहता हूँ कि अभी तक जितने भी आदरणीय सदस्य बोले मैंने उन सब के वक्तव्यों को ध्यान से सुना। उनमें से कुछेक को छोड़कर, सभी का एक-दूसरे पर दोषारोपण का हिसाब ही चल रहा था। समय-समय पर सरकारें बदलती रहीं। अब देखना यह चाहिए कि मेरा कसूर क्या है और दूसरे का क्या है। जब तक ऐसा नहीं देखा जाएगा तब तक किसी समस्या का हल नहीं निकल सकता। लेकिन देखा यह जाता है कि दोष किसका है। मेरा नहीं, किसी का है। इस हिसाब से इस समस्या का हल निकालते-निकालते हमने देखा कि दिल्ली में क्या हाल हुआ। मैं समझता हूँ कि यह हम सब के लिए दुखदायक और शर्मनाक है कि हमारे होते हुए ऐसे हालात पैदा हुए

जिसमें बहुत से लोग बेघर हो रहे हैं। कई लोग मारे गए, कई लोग जख्मी हुए। आज जरूरत किस बात की है? क्या हम इस पोल्यूशन से अपने लोगों को मरने दें या बचाएं? लोगों को बचाने की जरूरत है, उनको मरने देने की जरूरत नहीं है। उसके लिए क्या उपाय किए जाएं, अगर सही ढंग से विचार किया जाए तो इससे बचने के लिए तीन चरणों से पास होना पड़ता है, एक म्युनिसिपल कार्पोरेशन, दूसरा इंडस्ट्रीज डिपार्टमेंट और तीसरा पोल्यूशन कंट्रोल बोर्ड। पोल्यूशन तीन प्रकार से होता है। एअर पोल्यूशन, वाटर पोल्यूशन और नॉयज पोल्यूशन। तीनों में से दो ज्यादा खतरनाक हैं। नॉयज पोल्यूशन कम खतरनाक है, एअर और वाटर पोल्यूशन ज्यादा खतरनाक है। वाटर पोल्यूशन तो बहुत ही ज्यादा खतरनाक है।

**उपसभापति:** कभी-कभी हाउस में तो नायज पोल्यूशन भी खतरनाक हो जाता है।

**लाला लाजपत राय:** नॉयज पोल्यूशन नई दिल्ली में कम खतरनाक है और पुरानी दिल्ली में ज्यादा है। ... (व्यवधान) ... पटना में बहुत ज्यादा है। जो लोग समय-समय पर उनको आज्ञा देते रहे, उनको कारखानें लगाने की इजाजत देते रहे, क्या वे उसके जिम्मेवार नहीं हैं? क्या उन्होंने नहीं सोचा कि कल क्या होगा? आज उसका नमूना हमारे सामने है। मैं चाहूंगा कि सभी पार्टियां मिल कर उन लोगों के अंदर एक अवेयरनेस पैदा करें कि यह जो कुछ हो रहा है यह उनके फायदे की बात है, नुकसान की बात नहीं है। इसमें सरकार का कोई भला नहीं है। इससे सरकार को कोई फायदा होने वाला नहीं है। सरकार तो आपको और आपके सभी लोगों को इस मुसीबत से बचाने के लिए कोशिश कर रही है।

मैं संयोगवश उस शहर से आ रहा हूँ जहाँ पर कि पोल्यूशन हद से ज्यादा है। हमारा इंडस्ट्रियल एरिया ऐसा है कि अगर हम नहा-धोकर घर से जायेंगे तो जब वापस घर आयेंगे तो उस समय हमारे घर वाले हमें पहचान भी नहीं पायेंगे। वहाँ इतना एअर पोल्यूशन है। मुंह काला हो जाता है। मेरे शहर का नाम लुधियाना है। Ludhiana is known for industries. सरकार ने क्या किया? उसने बहुत अवेयरनेस पैदा की। पोल्यूशन कंट्रोल बोर्ड के अफसरों ने हर इंडस्ट्री की बारी-बारी मीटिंग्स ली, इंडस्ट्रीज डिपार्टमेंट ने मीटिंग्स ली, सरकारी अफसरों ने मीटिंग्स ली और मिनिस्टर्स ने मीटिंग्स ली, तब जाकर अवेयरनेस पैदा हुई है। अब उससे क्या हुआ कि जो वाटर पोल्यूशन पैदा करने वाले कारखाने हैं, जैसे डाईंग का काम है, इलेक्ट्रो प्लेटिंग का काम है, कैमिकल्ज का काम है, रेस्टोरेट्स का काम है, इन चारों से पोल्यूशन पैदा होता है, इन चारों पर सख्ती करने से पोल्यूशन रुका है। उनको कहा गया कि या तो जो हम बोलते हैं उसका उपाय करो अन्यथा यहाँ से जाने का हिसाब बनाओ। बहुत से लोगों ने अपनी-अपनी जगह पर उपाय किए। कुछ लोगों के लिए क्लस्टर पैदा करके उनको शहर से बाहर निकाल कर वहाँ पर अपनी इंडस्ट्रीज सैट करने का हिसाब बनाया। नई जगह ले ली। तो क्या यहाँ ऐसा नहीं हो सकता था? लेकिन यहाँ दस-पन्द्रह साल से लगातार कारखाने बढ़ते गए और पोल्यूशन भी बढ़ता गया। आज स्थिति यह हो गई कि आपस में लड़ाई-झगड़े हो गए। जिन लोगों का दोष नहीं है उन लोगों को मारा जा रहा है।

मेरा आपसे निवेदन यह है कि इस स्थिति को कंट्रोल करने के लिए आल द कंसर्ड पार्टीज, चाहे वे पोलिटिकल पार्टीज हैं, चाहे वे उन अदारों में लगी हुई पार्टियां हैं, चाहे वे मालिक हैं, चाहे वे मजदूर हैं, सब से मिल कर एक प्रोजेक्ट बनाएं और इसका इलाज किया जाए।

इलाज के बिना तो कोई बात नहीं बनेगी। न ही लड़ाई-झगड़े से पोल्यूशन खत्म होगा, न ही कांग्रेस द्वारा बीजेपी को और बीजेपी द्वारा कांग्रेस को बुरा-भला कहने से बंद होगा। इलाज सोचना पड़ेगा। इसलिए मेरा कहना है कि उन इंडस्ट्रीज को क्लासीफाई किया जाए कि ज्यादा पॉल्यूशन किन से होता है। बिल्कुल सख्ती से उन के ऊपर कुछ कायदे नाफिज किए जाएं कि इतने समय में आप को यह करना पड़ेगा, इतनी देर आप को छूट है और आप अपनी इंडस्ट्री चला सकते हैं। साथ ही उन की मॉनीटरिंग भी करनी पड़ेगी। हमारे शहर में ऐसा ही हुआ और उस में बहुत कामयाबी भी मिली है। इसलिए प्रपोजल बनाकर, उन को समय देकर तैयारी करवानी पड़ेगी। जैसा कि अभी सुझाव आया, 6 महीने या सालभर का समय देकर, सुप्रीम कोर्ट को सभी इकट्ठे मिलकर एप्रोच करें और उन से कहा जाय कि हम सभी इस बात से सहमत हैं, आप का हुक्म हम मानते हैं और हम पॉल्यूशन का सही बंदोबस्त करना चाहते हैं, आप उस के लिए हमें समय दीजिए, हम उस दिशा में अग्रसर होंगे। मेरा इतना ही निवेदन है। धन्यवाद।

**उपसभापति :** अब सभी टाइम की पाबंदी कर रहे हैं। इस के पश्चात् एक्सटर्नल अफेयर्स की पॉलिसी पर भी डिस्कसन है, इसलिए कृपया समय का ध्यान अवश्य रखें। श्री नागेन्द्र ओझा।

**श्री नागेन्द्र नाथ ओझा (बिहार) :** उपसभापति महोदय, दिल्ली में पिछले तीन-चार रोज से जो कुछ हो रहा है, वह पूरे राष्ट्र के लिए चिंता का विषय है। महोदय, कुछ लोग मारे गए हैं, घायल हुए हैं, बसें जली हैं और इस सब से गंभीर बात यह है कि 6 लाख से ज्यादा लोगों की आजीविका को खतरा उत्पन्न हो गया है। दरअसल प्रभावित लोगों की संख्या 10-20 लाख से ज्यादा होगी क्योंकि जिन की रोजी छिनेगी न केवल वे प्रभावित होंगे बल्कि उन की छोटी-छोटी दुकानें और दूसरे जिन के सहायक उद्योग हैं, वे भी नष्ट होंगे। अगर उन सभी को शामिल कर लिया जाए तो 50 लाख से ज्यादा लोग प्रभावित होने वाले हैं। इस दृष्टि से इस समस्या पर विचार किया जाए।

महोदय, जो स्टेटमेंट मंत्री महोदय द्वारा दिया गया है, उस में से कुछ बातें उभरकर आती हैं जिन का क्लैरीफिकेशन होना जरूरी है। मंत्री महोदय ने अपने स्टेटमेंट में कहा है कि आवश्यक होने पर औद्योगिक क्षेत्रों में उद्योगों की पुनर्स्थापना के लिए और अधिक भूमि अधिग्रहीत करने के लिए सरकार मास्टर प्लान को भी संशोधित करेगी। महोदय, आज ही के अखबार में आया है कि मुख्य मंत्री, दिल्ली ने प्राइम मिनिस्टर को 20 नवंबर को पत्र लिखा है जिस में रिक्वेस्ट की है कि दिल्ली में सब उद्योगों की पुनर्स्थापना के लिए जमीन मिलना मुश्किल है। इस से पहले 17 नवंबर को भी दिल्ली के इंडस्ट्रियल मिनिस्टर ने पत्र लिखा है और रिक्वेस्ट की है कि मास्टर प्लान को इस रूप में संशोधित करने की इजाजत हो, इस रूप में संशोधित किया जाए ताकि 15 रेजीडेंशियल एरियाज को इंडस्ट्रियल एरियाज में कनवर्ट कर दिया जाए। इस पत्र के बारे में मंत्री महोदय के स्टेटमेंट में जिक्र नहीं है। मैं जानना चाहूंगा कि इस बारे में मंत्री महोदय का क्या कहना है। वह कह रहे हैं कि आवश्यक होने पर जमीन उपलब्ध कराने के लिए मास्टर प्लान में संशोधन किया जाएगा। महोदय, मुख्य मंत्री के पत्र में एक और बात का उल्लेख है कि आगे सिचुएशन और भी गंभीर बनेगी यानी लोग सड़कों पर उतरेंगे, बसें जलेंगी, कारें जलेंगी और डिस्टर्बेन्सेस भी होंगे। इस सब को दबाने के लिए गोली, लाठी और टियर गैस चलेगी। साथ ही इंटेलिजेंस की भी ऐसी रिपोर्ट है जैसा कि एक माननीय सदस्य ने अभी कहा। ऐसी स्थिति में

माननीय मंत्री महोदय को यह एश्योरेंस देना चाहिए कि मास्टर प्लान में इस तरह के संशोधन करने पर विचार किया जाएगा जिस के जरिए 15 रेजीडेंशियल एरियाज को इंडस्ट्रियल एरियाज में कनवर्ट करने का रास्ता साफ होगा। जब तक ऐसा नहीं होगा तब तक मैं समझता हूँ इस समस्या का तत्काल कोई निदान निकलने वाला नहीं है क्योंकि न आप ऐसा करेंगे और न चीफ मिनिस्टर के पत्र के अनुसार जमीन मिलने वाली है और जब जमीन नहीं मिलने वाली है तो आप कोर्ट के आदेश के अनुपालन की दिशा में तालाबंदी कीजिएगा। आप ताला लगाइए, इंडस्ट्रीज को बंद कीजिए तो लोग फिर सड़कों पर उतरेंगे और स्थिति खराब होगी। उसी स्थिति को देखते हुए आप को हाउस में स्टेटमेंट देना पड़ा है, इस विषय में मेंबर्स भी एजीटेटेड हैं और हम यहां डिस्कसन कर रहे हैं। इसलिए इस विषय में हाउस को आप का एश्योरेंस चाहिए। धन्यवाद मैडम।

SHRI R. MARGABANDU (Tamil Nadu): Madam, the Order of the Supreme Court is dated 2<sup>nd</sup> February 1996, by which the High Powered Committee was constituted for the purpose of examining as to which type of industries can be permitted in the residential areas. So, the job assigned to the High Powered Committee was to find out the nature of industries, i.e., polluting and non-polluting, and the non-polluting industries can be permitted to operate in the residential areas, whereas the polluting industries can be housed in a different place. Madam, the statement of the Minister does not indicate the number of polluting industries, and what steps have been taken to relocate them at other places. I want to know whether any other place has been identified for relocating them. If so, how many industries have been relocated so far? That is wanting in the statement.

Madam, there are two components involved in this issue. One is the industry-owners and workers; and the other is the common people who are affected by health hazards. These are the two divergent groups whose interests have to be reconciled. For healthy living of the people, action has to be taken by the Government, without shifting the responsibility between the previous Government and the present Government. It is a problem concerning the common people. The Supreme Court in its order said that in the case of polluting industries, they should be located away from the residential areas and they should be housed in a separate industrial place. The statement of the Minister does not indicate what steps have so far been taken in this direction. It is also not made clear in the statement as to what defence or position has been taken before the Supreme Court and how much time they want, to relocate these industries. So, all these things are wanting in the statement.



Madam, as per a report, there are 97,600 industrial units in Delhi. Out of this, how many industries are non-polluting? The statement does not contain such details. As per newspaper reports, about 167 industries have been demolished and about 20,000 people have been thrown into the streets. They are suffering a lot as they are not getting the minimum amenities which are necessary for a decent living. While taking action, no doubt, the Delhi Government is facing contempt proceedings before the Supreme Court, as it has to obey and carry out the orders of the Supreme Court. Before carrying out the orders of the Supreme Court, they should have taken steps to see that the employees and the workers are given proper compensation, alternate accommodation, etc. But no such thing has been given to them. The report says that many of the labourers have gone to the labour court, as they were suffering a lot, because no alternative arrangement had been made for their jobs, etc.

The industrial owners have not come forward to safeguard the interests of the industrial workers. It is also cited, Madam, that the industries are housed in small houses where there is no ventilation, where there is no sufficient place to work. It is also reported that 50 people have died in the places of work itself, for want of a healthy environment. So, these things will have to be taken into account. The Government should not be hasty in demolishing it. At the same time, the Government has got the responsibility to safeguard the health of the common people. Towards this end, steps should be taken. There is a need for reconciling these two ideologies. There should be a balanced approach to relocate the units, without affecting the health of the common people.

As a matter of fact, in several High Courts, including the Chennai High Court, there is a Green Bench, which is constituted in order to deal with cases relating to pollution. There are cases where the orders of the High Court and the Supreme Court are not complied with by the industries. As a result, pollution is affecting the entire people. In order to safeguard the humanity, the pollution must be brought under control.

With these words, I conclude.

**श्री सतीश प्रधान:** उपसभापति महोदया, मैं आपका आभारी हूँ कि आपने मुझे इस विषय पर अपनी पार्टी शिव सेना के विचार यहां रखने का मौका दिया। महोदया, मैं इस समय राज्यसभा का मेंबर हूँ, इससे पहले मैं थाणे म्युनिसिपैलिटी में नगराध्यक्ष रहकर काम कर चुका हूँ और मेयर रहकर भी काम कर चुका हूँ। इस तरह म्युनिसिपल अध्यक्ष के रूप में काम करने का

मुझे अनुभव है। महोदया, दिल्ली शहर में आज की तारीख में जो हालत है, यही हालत हिंदुस्तान के हर शहर की है, यह मैं यहां स्पष्ट रूप से कह देना चाहता हूं।

महोदया, आज यहां अनअथोराइज्ड इंडस्ट्रीज़ को दिल्ली से हटाया जाए या न हटाया जाए, इस विषय पर बहस हो रही है। महोदया, हिंदुस्तान में हर शहर में यही परिस्थिति है। अब अनअथोराइज्ड कंस्ट्रक्शन कैसे होता है, यह इंडस्ट्री कैसे चलती है, इसके पीछे कौन रहता है, कौन इसको चलाता है, हम लोगों को इसकी जानकारी रहती है लेकिन फिर भी उस विषय को छोड़कर हम तमाम विषयों पर चर्चा करते हैं। महोदया, टाईम्स ऑफ इंडिया में यह निकला है, मैं किसी का नाम नहीं लेना चाहता हूं, मैं किसी पर अंगुली नहीं उठाना चाहता हूं लेकिन मेरा अनुभव है कि काउंसलर से लेकर ऊपर मुख्यमंत्री तक और एम.पीज़ पर इस मामले में अंगुली उठाई जाती है और इन सब लोगों का इसके साथ संबंध रहता है, यह एक हकीकत है। अभी तक जितने वक्ताओं ने यहां बात की है, उनमें से एक भी वक्ता ने इस विषय की ओर इशारा नहीं किया। इस पर मुझे बड़ा दुःख हुआ। ऐसा नहीं होना चाहिए। जब हम इस सर्वोच्च सदन में बैठकर बात करते हैं तो हमें राजनीति से ऊपर उठकर, खुद का स्वार्थ छोड़कर बात करनी चाहिए। हमें देखना चाहिए कि हम किसका साथ देंगे, हम कानून से चलने वालों का साथ देंगे या कानून तोड़ने वालों का साथ देंगे। इस बारे में हमें गंभीरता से विचार करने की आवश्यकता है।

आप देखिए रोज यहां झुग्गी-झोंपड़ी वालों का मामला चलता है तो हम क्या करते हैं? राजनीति वाले क्या करते हैं कि हर समय एक-एक, दो-दो साल समय बढ़ाते जाते हैं। मुझे याद है पहले कहा गया था कि हम 1975 के बाद ये झोंपड़ियां नहीं रहने देंगे, फिर निश्चय हुआ कि 1978 के बाद नहीं रहने देंगे, फिर निश्चय हुआ कि 1982 के बाद नहीं रहने देंगे, फिर यह समय सीमा 1985 हुई, फिर तय हुआ कि 1995 के बाद नहीं रहने देंगे।

इस ढंग से बात की जाती है, इस ढंग से राजनीतिक निर्णय होते हैं। अभी मास्टर प्लान की बात चल रही है, लेकिन मास्टर प्लान को भी विदिन ए पीरियड करने की आवश्यकता है। इस विषय पर हम सोचते नहीं हैं, इस विषय पर हम निर्णय नहीं कर रहे हैं। यह सही है कि जिसका इस देश में जन्म हुआ है उसको इस देश में रहने का हक है, इस देश में रहने का अधिकार है और उसको इस देश में किसी भी हालत में रहना है। जो आर्थिक बोझ सम्भाल नहीं सकता है, आगे बढ़ नहीं सकता है, उसको सम्भाल कर के, उसको अपने साथ लेकर के, उसको ऊपर उठाकर के हमको चलना है। यह हमारा फर्ज बनता है। इस विषय पर कोई दो राय नहीं हो सकती है। उनको साथ में लेकर चलने का मतलब यह तो नहीं हो सकता है कि हम सभी कानूनों को समेट कर रख दें और आगे वैसे ही चलें। ऐसा नहीं हो सकेगा, ऐसा करने की जरूरत नहीं है। मैं यह बताता हूं कि यहां लोगों को गुमराह करने की कोशिश इस विषय पर हो रही है, ऐसा मुझे लग रहा है। जो मैंने देखा है और समझा है। सुप्रीम कोर्ट ने 1996 में निर्णय दिया उसके बाद कमेटी बनाई गई। अभी तक इसकी पूरी जानकारी नहीं है। मैं आदरणीय मंत्री जी से पूछना चाहूंगा कि 1996 से लेकर अभी तक उस कमेटी की कितनी मीटिंगें हुई हैं, कमेटी ने क्या-क्या निर्णय लिए हैं, कमेटी ने आगे बढ़ने के लिए क्या-क्या किया है। अभी जो निर्णय सुप्रीम कोर्ट ने लिया है उस निर्णय को लेने के लिए उसे बाध्य होना पड़ा है कि किसी भी हालत में इसके बारे में निर्णय करना है और सुप्रीम कोर्ट ने ऐसा किया है। सुप्रीम कोर्ट को यह निर्णय करने के लिए इसलिए बाध्य होना पड़ा कि जिनके ऊपर 1996 के निर्णय को क्रियान्वित करने की जिम्मेदारी

सौंपी गई थी, जिनकी आगे बढ़ने की जिम्मेदारी थी, उन्होंने जिम्मेदारी लेने के बाद उसको 2000 तक नहीं निभाया। आदरणीय कपिल सिब्बल जी ने बताया कि 1998, 1999 और 2000 में कुछ निर्णय दिल्ली सरकार ने लिए थे, इनके बारे में मुझे जानकारी नहीं है। यदि निर्णय लिए गए थे तो फिर सुप्रीम कोर्ट के सामने वह निर्णय रखकर दिल्ली सरकार क्यों नहीं कंवैन्स कर पाई कि आपने हमारे ऊपर जिम्मेदारी सौंपी थी, हमने अभी तक उस संबंध में इतने कदम उठाये हैं, हमने अभी तक इतना काम किया है और आगे यह करना चाहते हैं। दिल्ली सरकार ऐसा करके क्यों नहीं सुप्रीम कोर्ट को कंवैन्स कर सकी? दिल्ली सरकार कोर्ट को कंवैन्स नहीं कर सकी इसीलिए सुप्रीम कोर्ट ने यह निर्णय थोपा है। ऐसा मुझे यह सब देखने के बाद लग रहा है।

मैडम, 13 हजार एकड़ जमीन कोई मामूली नहीं है। मंत्री जी ने बताया था कि एक लाख पच्चीस हजार का आंकड़ा कहां से है। मैं इस विषय में बताना चाहता हूँ क्योंकि मैंने कुछ अभ्यास किया है। यह जो 45 हजार एप्लीकेशन का आंकड़ा मंत्री जी ने दिया है, हकीकत में जितने लोग इस विषय से संबंधित हैं, वे सभी कुल मिलाकर एक लाख से अधिक हैं। कोई एक लाख 15 हजार बताता है, कोई एक लाख 25 हजार बताता है और कोई एक लाख 32 हजार बताता है लेकिन यह आंकड़ा एक लाख से ऊपर जरूर है। दिल्ली सरकार ने इन लोगों के एप्लीकेशन मंगवाये और एप्लीकेशन मांगने के बाद 45 हजार लोगों ने एप्लीकेशन दिए। ये एप्लीकेशन ऐसे ही नहीं मांगे गए थे, एप्लीकेशन फार्म के साथ लोगों से पैसे भी मंगवाये गए थे, जिनके पास पैसे नहीं थे वे एप्लीकेशन नहीं भर पाये क्योंकि वे गरीब थे और वे वैसे ही रह गए। (समय की घंटी)

मैडम, मैं जल्दी ही समाप्त कर रहा हूँ। जो 45 हजार एप्लीकेशन फार्म भरे गए, उनकी स्कूटनी नहीं हुई। जिन 45 हजार लोगों ने एप्लीकेशन दीं, उनकी स्कूटनी करने के बाद, जिनके पास से पैसे लिए गए थे अभी तक उन लोगों को एक लाइन भी लिखकर नहीं दी गई है कि आपके बारे में क्या निर्णय किया है। उनकी एप्लीकेशन के बारे में अभी तक कुछ नहीं बताया गया है। दिल्ली सरकार की यह जिम्मेदारी थी कि जिनके पास से उसने पैसा लिया है उनको यह बताती कि उनकी एप्लीकेशन पर यह निर्णय लिया गया है। दिल्ली सरकार ने उनके एप्लीकेशन फार्म पर निर्णय नहीं लिया है, उनको विश्वास में नहीं लिया है यह हकीकत है और यदि यह हकीकत है तो इस विषय पर केन्द्र सरकार दिल्ली सरकार के बारे में क्या निर्णय करने वाली है, यह मैं जानना चाहता हूँ।

[उपसभाध्यक्ष (श्री रमा शंकर कौशिक) पीठासीन हुए।]

एक और बात जानना चाहूंगा कि 17 जून 1999 को दिल्ली सरकार की कैबिनेट ने एक निर्णय किया और यह कहा कि यह हम नहीं कर सकते। यह 17 जून 1999 को निर्णय किया गया था। इस विषय में भी हम जानना चाहेंगे कि उसके बाद क्या हुआ ?

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): अब आप समाप्त करिए।

श्री सतीश प्रधान : सर, मैं समाप्त ही कर रहा हूँ। सिर्फ एक बात और कहना चाहता हूँ कि सुप्रीम कोर्ट के कहने के बाद, जिस दिन सुप्रीम कोर्ट का निर्णय आया कि सब लोगों के

संबंध में निर्णय करें नहीं तो हम कार्यवाही करेंगे और आपको नोटिस दिया गया। उसके बाद भी दिल्ली की सरकार ने, दिल्ली स्टेट इंडस्ट्रियल डेवलपमेंट कारपोरेशन ने अखबार में एक न्युज दे दिया "Similarly, an 'attention' issued by the Delhi State Industrial Development Corporation Limited, which appeared in newspapers on November 19, says, 'It is in the interest of the allottees to make immediate payment and take possession of their plots since immediate closure of all industries situated in residential/non-conforming areas has been ordered on the basis of the Supreme Court order of November, 14' सुप्रीम कोर्ट के ऑर्डर देने के बाद जो परिस्थिति उत्पन्न हुई, उस संबंध में क्या किया जा सकता है, वह रास्ता निकालने की बजाय इन लोगों ने फिर से और आवेदन मांगने की कोशिश की, यह बहुत ही गंभीर बात है।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** अब आप कृपया आसन ग्रहण करिए।

**श्री सतीश प्रधान :** सर, मैं समाप्त कर रहा हूँ लेकिन कुछ बातें हैं जो सदन के रिकॉर्ड पर आनी जरूरी हैं और अगर नहीं आयीं तो कई कमियां रह जाएंगी और वह कमियां रहना राज्य सभा के लिए अच्छा नहीं होगा।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** वह बाद में दे दीजिएगा। वह माननीय मंत्री जी को अलग से बता दीजिएगा।

**श्री सतीश प्रधान :** मंत्री जी का काम मंत्री जी करेंगे, सदन का सदस्य होने के नाते मुझे अपना काम पूरा करने दें।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक) :** आप समाप्त करें। आपने काफी समय ले लिया है। अब कृपया समाप्त करें।

**श्री सतीश प्रधान :** तो सर, यह परिस्थिति है। केवल एक बात और रखना चाहूंगा। दिल्ली की मुख्य मंत्री ने अखबार में बयान दिया कि मिसअंडरस्टैंडिंग हो गयी। मैं यह कहना चाहता हूँ कि अगर मिसअंडरस्टैंडिंग हुई तो किस लेवल पर हुई, कैसे हुई और किससे हुई? सुप्रीम कोर्ट का ऑर्डर क्लीयर था कि जो इंडस्ट्रीज़ पॉल्यूशन कर रही हैं, उनको यहां से हटाओ। इस संबंध में सुप्रीम कोर्ट का ऑर्डर था लेकिन "The public notice issued by the office of the Secretary (Environment), Government of Delhi, which appeared in different newspapers on November 18, says, In pursuance of the order of the Supreme Court dated November 14, it is hereby notified for information of the general public and all owners/occupiers/operators of industrial units situated in non-conforming/residential areas that all units functioning in violation of the provisions of Master Plan -2001 shall close down..."

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक) :** यह सब बातें आ चुकी हैं, अब आप कृपया समाप्त कीजिए।

**श्री सतीश प्रधान:** सर, मैं समाप्त कर रहा हूँ ।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** अब आप आसन ग्रहण करें । श्रीमती शबाना आजमी ।

**श्री सतीश प्रधान:** उपसभाध्यक्ष महोदय, मैं एक ही वाक्य कहकर समाप्त कर रहा हूँ । इस परिस्थिति में जो कुछ हुआ है, सच क्या है, अगर यह मुख्य मंत्री जी बतातीं और सुप्रीम कोर्ट के ऑर्डर क्या हैं इस विषय पर एनलाइट करके बताया जाता तो लोगों के दिल में पैनिक का निर्माण नहीं होता । उस विषय में इतना ही कहकर इसे सीमित रखा जा सकता था । फिर यह परिस्थिति पैदा न होती तथा कल और परसो जो दिल्ली में हुआ, यह न होता । यह सब छोड़कर बाकी मुद्दे बनाए गये, मुझे इसका दुख है । इसलिए मैं आपसे विनती करता हूँ कि आखिर इस देश में रहने वाले, चाहे वे गरीब हों या अमीर, वे सब इस देश के निवासी हैं । इसलिए आप जो कुछ भी निर्णय करें, वह सब लोगों को ध्यान में रखकर करें, इतना ही मेरा निवेदन है । धन्यवाद ।

**SHRIMATI SHABANA AZMI (Nominated):** I rise to express my deep anguish at the statement issued by the hon. Minister of Urban Development. It is a typical bureaucratic response which is not without merit; in fact, it has some rather forceful arguments. But what it totally fails to take into account is what we are dealing with here is human life.

The 12-15 lakh people, whose livelihood depends on these units, cannot just be wished away. Assuming each person is the sole breadwinner of the family, 50 lakh people are going to be affected. It is indeed a very sorry state of affair that whenever people are displaced, no anticipatory action is ever taken. In fact, the people whose lives are going to be profoundly affected by these decisions are never ever consulted. We only react when people who are thrown against the wall react with a rage which is born of despair. Sir, but it very clearly brings into focus the fact that this incident once again proves that it is the absence of a clearly-defined rehabilitation policy, which is responsible for these miseries. A clearly-defined rehabilitation policy is inevitable for people being displaced either due to natural calamities or due to man-made disasters. Whether it is the case of people affected by the closure of polluting units; whether it is the case of people displaced by the Narmada Dam; or whether it is the case of 3 lakh people being asked to vacate the Sanjay Gandhi National Park in Bombay, the court goes ahead and issues its directives. The Government, in turn, drags its feet and simply says, "We do not have the land. What shall we do?" What action is taken against these Governments when they fail to provide the compensation that the court says they must give? The Court just gives its directive; the Government throws its hands

4.00 P.M

back. What will happen to the people? There is a situation at the moment in the Sanjay Gandhi National Park, where the Maharashtra Government is sitting on 10 crores of rupees, which has been taken from the people, by the Government for the Sanjay Gandhi National Park. For an alternative accommodation, they gave Rs. 7,000/- each. Today, they are facing the bulldozers because no alternative accommodation is provided to them. They have given the money, but all they are faced with is demolition. So, the kind of signal that we give is, there are two types of laws in this country. There is a separate law for the rich, and there is a separate law for the poor. We have instances without number that when it comes to the rich and when they routinely violate laws, they are never in fear of being evicted. They are never in fear of their houses being demolished. In fact, they are protected. The question of adhering to the law comes only when it comes to the poor and the marginalized people of this country.

The statement of the Minister, after carefully apportioning all the blame on the Delhi Government, conveniently forgetting its own role when it was in power in Delhi and did nothing to solve the problem, now says that the Government would amend the Master Plan, if necessary. Is there any doubt that the Master Plan needs to be amended? In fact, why has it not been amended till now? What is so sacrosanct about the Master Plan? The Master Plan has routinely been changed, why can't it be altered in this particular situation as well? We have to take into account new ground realities.

However, I would again like to emphasise that this case cannot be seen in isolation. We need to realise that it is the absence of a clearly defined rehabilitation policy that is responsible for this sorry state of affairs. When the repeal of the Urban Land Ceiling Act, which was initiated by this Government, was being discussed, it were NGOs and activists who shouted themselves hoarse that repealing this Act would really be throwing the baby out with the bath water because land is a very important resource in the hands of the Government and should not be given away to the rich; because no Government is going to buy land at market rates to rehabilitate the poor and the displaced. It gives me no joy to say this; in fact, what we were saying is being proved true every single day.

The real malaise goes far deeper than the Master Plan or relocating the polluting industries. The violent reaction seen on the streets of Delhi is the inevitable spin off from populist policies and demagoguery. The authorities look the other way when urban laws are violated. Where were they when the same units against whom action is being taken now were coming up? By what logic can tailoring units and garages be put in the same bracket as plants without effluent treatment units, irrespective of where they are located.

Anti-people policies, short-term solutions, adherence to the law, comes only when the poor and the marginalised are affected. This is not the way justice is done. It is all very well for the Government to say that it seeks more time from the Supreme Court. What does the Government intend to do with this more time, I would like to know.

Concluding this, I would say that while this is a question which cannot and should not be treated as an adversarial one, it is a question which has to be resolved, not on the basis of past mistakes or who made them, but by doing something so as to help the poor people to survive. The question whether the right to pollution-free air should be preferred to right to livelihood, depends on who is asked the question. A person living in luxury would say 'pollution-free air is of paramount importance.' A person living in poverty would say 'the right to livelihood is of paramount importance.' If a person living from hand to mouth is asked whether he would prefer to die at 50, in pollution-ridden air or he would prefer to live without any means of livelihood in pollution free air, till the age of 60, there is no doubt in my mind what he would choose.

If alleviation of human misery can be achieved by paying regard to environment, that would be ideal. But if alleviation of human misery cannot be achieved whilst, sustaining the environment simultaneously, then, I am afraid the former would be of paramount importance. We will have to live with a little more pollution a little while longer, till we are able to ensure both aspects, that is, right to life guaranteed by article 21 - the right to livelihood - and the right to a healthy environment. Thank you.

SHRI R.S. GAVAI (Maharashtra): Mr. Vice-Chairman, Sir, I will be very brief in my speech. I feel, the subject matter under discussion relates to the problem of humanity. Unfortunately, it is the usual habit to shirk the responsibility. And, in this case, the problem of humanity is being

designated as the problem of politics. It is a very sorry state of affairs. Mr. Vice-Chairman, Sir, during the last three-four days, in the territory of Delhi, millions of people have come out on the streets. I think, those people are not anti-social elements, nor criminals, nor they want to take law into their hands. But why are they doing like that? The reason is quite clear. As admitted by my previous speaker, Shrimati Shabana Azmi, there are two kinds of law. One relates to the poor and the other relates to the rich. Five million people have been affected because of this.

Sir, I am rather highly impressed with a very brief speech that has been made by the hon. Member, Shrimati Ambika Soni. She has made the speech by way of putting some questions. Anyhow, probably, the meeting which was held at the Municipal Corporation of Delhi has provided the remedy to the problem. Shrimati Ambika Soni has posed a direct question to the hon. Minister. She said, "Though on an earlier occasion -- I do not want to blame the hon. Minister - he was not willing to amend the Master Plan." The crux of the problem is to amend the Master Plan. She asked, "Whether it is a fact that on a number of occasions, the Delhi Government has written various letters to the Ministry of Urban Development, requesting it to amend the Master Plan." I would like to know from the hon. Minister whether his answer is positive or negative in this regard. He has to judge the genuineness and the reality of the problem. Sir, in an emergency meeting which was held on Monday, the Municipal Corporation of Delhi (MCD) passed a Resolution not to seal any non-polluting industrial units. After hours of arguments from either side, from the Congress side as well as from the BJP side, the House resolved that the directions issued by the Municipal Commissioner, Shri S.P. Aggarwal, be withdrawn instantly. The MCD has also resolved to accept the recommendations of the Jagdish Sagar Committee, suggesting a change in the definition of small-scale industries. Sir, today, an article appeared in "The Times of India", the title of which is "What Jagmohan said in his letters to Government." Sir, Delhi's Industry Minister, despite all the letters which he has written in February, October, has again sent a letter to the Union Minister, Shri Jagmohan, on November 17, requesting him to reconsider and permit an amendment of the Master Plan to convert 15 residential areas into industrial, saying the proposal was based on "local public demand". Sir, I would like to quote one more letter which was written by the hon. Chief Minister of the Delhi Government, Smt. Sheila Dikshit, on 20<sup>th</sup> November. Fortunately, the reply to this letter which was sent by hon. Shri Jagmohanji has also appeared in



today's Times of India. I would like to quote it. I quote, "Shri Jagmohan has replied to her on Tuesday, 21<sup>st</sup> November, saying they could make their points to the Supreme Court, but mentioning that the immediate issue was the closure of polluting industries, and there had never been any suggestion to amend the Master Plan for these." ...*(Time Bell)*...

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक) :** कृपया समाप्त करें ।

SHRI R.S. GAVAL: Sir, I will take only one minute more. Ultimately, the good aspect of this problem is the recent statement of the hon. Minister. Anyhow, at last, wisdom has dawned on the Minister. He made it clear, "the Government are aware of the problems that are being faced by the industries functioning in the residential areas as well as of the house-owners and occupiers who are using their property for residential purposes in the residential areas. Government are keen to find a solution that would be just and fair to all concerned. Government have agreed, in principle, subject to observance of safeguards in respect of pollution norms, to redefine household industries in terms of the recommendations made by a committee known as the Jagdish Sagar Committee."

To sum up, Sir, this is a problem of humanity. Don't make it a political problem. Try to help the poor persons.

Thank you, Sir.

**श्री गांधी आजाद (उत्तर प्रदेश) :** महोदय, केंद्र सरकार और दिल्ली सरकार के अड़ियल रुख के कारण पिछले दिनों घटी घटनाओं में तीन लोगों की जानें गई हैं और बहुत सारे लोग घायल हुए हैं । इस घटना में मारे गए लोगों के लिए मैं अपनी तरफ से तथा अपनी पार्टी बहुजन समाज पार्टी की तरफ से संवेदना प्रकट करता हूँ, घायल लोगों के शीघ्र स्वस्थ होने की कामना करता हूँ और इस घटना की निन्दा करता हूँ ।

महोदय, चालीस के दशक में औद्योगीकरण देश व समाज के लिए कल्याणकारी, जन-हितकारी एवं एक वरदान के रूप में था । लेकिन आज वह प्रदूषण के कारण और बढ़ती हुई जनसंख्या के दबाव के कारण अभिशाप बन गया है । सुप्रीम कोर्ट के आदेश का पालन एक योजनाबद्ध तरीके से किया जाना चाहिए था, कोई एक विकल्प तैयार करके किया जाना चाहिए था। किन्तु ऐसा नहीं किया गया और चार साल तक इस आदेश का कोई क्रियान्वयन किसी भी सरकार द्वारा नहीं किया गया । अचानक बिना पूर्व तैयारी के कोर्ट के आदेश का क्रियान्वयन करने से ही इसमें ये दुष्परिणाम परिलक्षित हुए हैं । महोदय, दिल्ली प्रदूषण मुक्त हो यह हम सारे लोग चाहते हैं । दिल्ली में मास्टर प्लान लागू हो लेकिन साथ ही यह भी आवश्यक है कि दिल्ली में बढ़ती हुई आबादी को आश्रय भी मिलना जरूरी है । ये सारी बातें देश, काल और परिस्थिति को

ध्यान में रखकर करने की जरूरत है न कि ज़िद करके करने की जरूरत है। मैं जानना चाहता हूँ कि प्रदूषण के नाम पर बंद होने वाले कारखानों में लगे लोगों के संबंध में आपकी सरकार के क्या विचार हैं? उनके हितों के लिए सरकार कहां तक प्रतिबद्ध है? मास्टर प्लान के नाम पर गांव से आए हुए लोग जो झुग्गी-झोपड़ी बनाकर अपना जीवन-यापन करते हैं उनके आश्रय के संबंध में सरकार के पास क्या योजना है? 2 फरवरी, 1996 और नवम्बर, 1998 तक दिल्ली की बीजेपी सरकार ने सुप्रीम कोर्ट के आदेश का क्या अनुपालन किया? नवम्बर, 1998 के बाद कांग्रेस सरकार क्या बीजेपी द्वारा शुरू किए गए कार्य को ही पूरा करती रही? क्या वह उस पर रोक नहीं लगा सकती थी? लेकिन ऐसा नहीं हुआ और कांग्रेस सरकार ने नवम्बर 98 से आज तक कोई कार्य नहीं किया और अचानक उद्योगों को सील करने का निर्णय ले लिया। यह निर्णय न्याय हित में नहीं है। अतः मेरी राय में केंद्रीय सरकार एवं दिल्ली की पूर्व बीजेपी सरकार और वर्तमान कांग्रेस सरकार सभी दोषी हैं। अतः राजनीतिज्ञों, विशेषज्ञों, उद्योगपतियों के प्रतिनिधियों, मजदूरों के प्रतिनिधियों, मास्टर प्लान के अधिकारियों और पर्यावरणविदों की एक समिति बना कर इसका कोई न कोई विकल्प तैयार करके सुप्रीम कोर्ट के आदेश को कार्यान्वित किया जाए। अगर आप ऐसा करेंगे तो यह न्यायोचित होगा। धन्यवाद।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** श्री रामूवालिया। आपके पास थोड़ा समय है। आपके केवल चार मिनट हैं।

**SHRI BALWANT SINGH RAMOOWALIA (Uttar Pradesh):** Mr. Vice-Chairman, Sir, if we deeply examine the situation, all around it appears as anti-poor, anti-marginalised people, anti-people those who are involved in self-employment; particularly, the small-scale industries of the country and cottage industries of the country are becoming victims. First, the policy of liberalisation and free licences to MNCs to come to this country have axed the future of the small-scale industries and the cottage industries in the country.

Now, the decision of the Supreme Court has, all of a sudden, brought a flood of difficulties and problems to this section of the society. The hon. Minister in his statement has said that he is going to take three steps to meet the situation, the volcanic situation. Number one, to redefine the household industries. Number two, the Government is willing to amend the Master Plan. Number three, the Government would go to the Supreme Court to request for more time. I will add only one thing to these three steps. I hope this would give some relief to those who are in difficulties. The fourth step should be, the Supreme Court should redefine "non-conforming industries" also, because, as per my information, many industries which are not at all polluting industries are also included in the list of non-conforming industries.

I also take this opportunity and request the Supreme Court, with folded hands and in all humility, to make a self-observation. The noise pollution is hazardous to the country and to the people. The industrial effluents are also hazardous to the people. But the Supreme Court must also see that piling up of cases and millions of undecided cases lying in courts are also hazardous. ..(Interruptions)... Can I say 'judicial pollution'? So, they should address this problem also. Thank you, Sir.

DR. A.R. KIDWAI (Delhi): Mr. Vice-Chairman, Sir, thank you very much. I will be very brief and only emphasise that this problem is a much more serious problem than we think. About 20 lakh workers are depending on 1,25,000 industries for their livelihood. It is an enormous task. It involves an investment of thousands of crores of rupees and earnings of equally large amounts. Therefore, it is a human problem. As a democratic Government, we must look at it from the point of view of people because we represent the people. Therefore, we must take into consideration their feelings, their hardships and their needs. It is not a problem between the State Government and the Central Government, between the MCD and the DDA. This requires a special task force to be set up to deal with the problem of this magnitude. It does not involve merely the land or shifting. It also involves finances. It also involves human, social and economic problems. In all aspects, there should be a body to take decisions and implement them and carry them out.

Shifting of 1,25,000 industries involving such a large number of workers and people dependent on these industries is not a small task. Therefore, it should not be taken that it is only a law and order problem or that some people have come out in the streets. It is an economic and social problem. People have come out on the street because of the urge for their basic living conditions. When it is considered only as a law and order problem, I am reminded of the French Revolution. The ruling people at that time, when the common people came out asking for bread, thought they were hooligans. They advised them, "If you do not get bread, you eat cake." I think these problems, when dealing with such a large number of people, should be examined in their correct social and economic context and they should be solved as such. This is what I have to say. Thank you.

SHRI JAGMOHAN : Sir, I must first thank all the hon. Members who have taken part in this discussion and made various points.

I would begin by saying, let us be first clear about the facts and fundamentals because a lot of wrong facts have been stated, a lot of half-truths have been stated and the actual facts have not been made clear at all; particularly, the fundamentals of the situation have not been brought out.

Now, I would just deal with the fundamentals first. The first point is, after all what is the purpose of this Master Plan? It is to have a planned city; it is to have an organised society, a disciplined society; it is also to improve the health and habitation of the people; it is to ensure that there is economic productivity of this nation. I put one simple question to you. Today, what is happening to our cities? Mr. Satish Pradhan has gone away. He has referred to the cities. He was a Mayor. All the cities have virtually been taken over by land and building mafias. Everywhere there are illegal encroachments, unauthorised constructions; no water, no sewerage, open defecation. You go even to the railway lines and see what is happening! The issue that we have to face today in this august House is not whether one is doing right or wrong in an administrative sphere, but what the fundamental objective of our Constitution, our laws and our way of life is. Show me your cities and I will tell you about the cultural aims of the people. It is the sense of values that is important. Cities are the spiritual workshops of the nation. What type of image are you going to present to the world or to our own children, if this is the state of affairs in our cities? Anybody can do anything that he likes, encroach any land of his like, build an industry anywhere he likes! Is this the objective with which we started in 1947? Today, we forget that due to this urban indiscipline, 40,000 lives are lost every year. Today, you see...*(interruptions)*. These are World Bank figures. I am quoting the World Bank figures. Today, 40,000 people in Indian cities die prematurely because of pollution. About 1.2 billion people lose their activity-days. What is meant thereby? If I am a productive unit of the society, if I go to office, if I go to factory, I contribute to the productivity of the nation. But if my health is half, if I am suffering from bad cold, if I have water-borne diseases, my productivity is reduced by 75 per cent. I am no more a productive unit of the society. And 1.2 billion activity-days are lost merely because of pollution! About 17 million people are suffering from respiratory diseases in our cities. These are World Bank figures, not mine. Do you want to have cities like this? Do you want to punish your children for the so-called...*(interruption)*...labour jobs. Let me first complete. I will come to that also. This is all figment of imagination.

SHRI JIBON ROY: Don't kill labour for the rich. *(Interruptions)*.

SHRI JAGMOHAN: Please listen to me fully because I am on your side in this regard. Don't worry. Please let me complete.

Let me complete. What I am saying is: Who are the persons who suffer? Who are these persons who are getting the respiratory diseases? Who are the children who are dying? It is the poor for whose cause you are speaking, and the planned development of Delhi, the planned development of our cities, organised pattern of life and urban discipline that the Government wants to enforce. That is primarily meant to help these poor. Today, if you see The Hindustan Times, how many fires have taken place? These fires have taken place because there are industries in the residential areas. How many people have died? Dr. Saheb was pleading the case. If God forbid, I am living in Dr. Saheb's house, and somebody starts uprooting the industry, and there is a fire incident, who dies? Who is the victim? The victim is the law-abiding citizen, and the perpetrator of the crime is the one who has started the industry there. Are you wanting to have this type of laws? Are you wanting to have this type of justice? This is the point I would like to make. I would like to submit that you try to be clear about your objective. When you talk of relocation, you go and see the people where they are living today. You are talking of the poor labour. Who are these people who have set up these industries in the residential areas? They are not the poor. They are living in Maharani Bagh, they are living in New Friends Colony. They are his agents who are being employed in these narrow, dingy houses. It is the labour who is being exploited. But it is they who make the profit. *(Interruptions)*

SHRI JIBON ROY: Don't uproot the labour. *(Interruptions)*

SHRI JAGMOHAN: When you make a general observation, you can always say that there can be an exception which you may have in view. But I am giving you the general picture that is there. Today, come with me to Shahdara. None of these industries will be there whose patronage is somewhere else. Therefore, you must understand, when we say relocate industries, relocation is not without a plan. It is with a particular purpose. When we relocate the industries, we will take them to the open areas. They will be guided by the Factories rules and laws. It is in the interest of the poor to go to those areas and have a proper environment, proper system of working, proper protection of laws, both environment and health. How

will they be healthy if you put them in the dark houses? You put up industries...*(Interruptions)*

SHRI JIBON ROY: Once industries are closed. ...*(Interruptions)* You have never seen the labour.

उपसभाध्यक्ष (श्री रमा शंकर कौशिक): माननीय जीवन राय जी, माननीय जीवन राय जी ...*(व्यवधान)*...आप लोग मत कहिए ...*(व्यवधान)*...माननीय मंत्री जी ...*(व्यवधान)*...माननीय जीवन राय जी, आप ऐसा मत कीजिए । आप अपने आसन पर ही रहिए । ...*(व्यवधान)*...माननीय जीवन राय जी, आप जरा शांत रहिए । माननीय मंत्री जी को पहले अपनी बात पूरी करने दीजिए, फिर आप कुछ पूछना चाहें तो पूछ लीजिए ।

SHRI JAGMOHAN: Now, who are these people who are living on the bank of Yamuna and who are drinking dirty water? Why has the river Yamuna become a sewer? It is because of the fact that all these industries are putting their effluents into the river Yamuna. And who are the people who are drinking this dirty water?

Not the rich people but the poor people. If you undermine the environment, you do the greatest damage to the poor. In the name of amenities, the greatest atrocity is being committed on the human beings. You go to Narela and find for yourself the facilities available right now. Compare it with the conditions which were there before and compare it with conditions which are there now.

[THE DEPUTY CHAIRMAN in the Chair]

There is a lot of open space. The built up area is only 40 per cent. Rest is all plants. There are paths, there are playgrounds, a school worth Rs. six crores has been built up there and here they defecate in the open, spread diseases for themselves as well as for all the areas around. Now, this is the organised way, this is the purpose of the Master Plan, and no other purpose. We are not anti-poor. It is for the people, it is for the poor that the Master Plan has been framed and the Master Plan has to be implemented faithfully.

I would also remind the House that this Master Plan has been approved by you. Since it is approved by you, should it be allowed to be amended lightly in routine, whether there is justification or not? Master Plan can be amended provided there is a valid justification for it, provided

there is a public interest, provided a planned way of life is encouraged by this. Do you mean that the Master Plan should be amended to perpetuate the pollution? Do you mean that the Master Plan should be amended to encourage the illegal activities? Do you want that the Master Plan should be implemented totally to reward the wrong-doers and to punish the right doers? What is this? Let me explain to you the position. You have cited the example of 70 per cent; the Chief Minister has recommended, the State Government has recommended, the DDA has recommended, the Pollution Department has recommended and the Industrial Department has recommended, but Mr. Jagmohan has rejected it! But have you ever given thought on what ground it has been rejected? What does it say? It says that you have not even completed the survey. It is all wrong to send it to two Deputy Directors of Industries. They go there and say, "There are 70 per cent industries there. Please convert it into a residential-cum-industrial area." Is it the way that you want your Master Plan to be amended, that two persons go there, and they say '70 per cent'? What is the writ petition which these people, the Vishwas Nagar people, have filed in the Supreme Court? Two persons, along with a few politicians, go there and say that this area is going to be industrial area. Whether there was pollution, what type of industries they are, nobody bothers. I would challenge if anyone of you who have spoken 70 per cent, would produce before the House that survey on the basis of which this 70 per cent has been done. And how many of them are polluting industries? What type of industries are they?

I would like to pose another fundamental question. We all talk of values. We go abroad and talk of Indian values. And now what does it mean? The first thing is about the writ petition which a gentleman has filed in the Supreme Court on behalf of the house owners or the house occupiers, who are against this amendment. What do they say? They say, "See the electoral rolls. All these people are residential. We are residential, we are law abiding. We have built the houses. Now you are going to convert them into industries to just serve a few vested interests? What is our fault?" Even if a single individual who says so, I will support him. It is not a question of percentage. It is a question whether you want to be on the side of justice or on the side of injustice. Now this survey of 70 per cent is totally wrong.

The second thing is, you want to reward the wrong-doers. Mrs. Shiela Dixit spoke on the television yesterday that 30-40 परसेंट रहेंगे, उन को हम कहेंगे कि कहीं और चले जाइए। This is the logic that those 30 per cent, 40 per

centडा0 साहब का मैं ने एक्जॉम्पल दिया । Dr. Sahib was absent when Kapil Sibalji was speaking, and he referred to that colony, whether it is posh or poor or rich, if I come there and start an industry, tomorrow I say डा0 साहब, आप लोग चलिए यहां से मैंने यहां इंडस्ट्री लगा ली है । Some people have decided to amend the Master Plan; make it an industrial area." Either you are convinced to stay in an industrial area for ever, or, you are forced to move out. Is it our Constitution? Is it our law? Is it our sense of values that those people who have done the right thing should be punished, and not the wrong-doers? This is the fundamental question. And you are looking at this issue from a very narrow and short angle, whether you want disciplined cities, just cities, planned cities, or whether you want to have a total lawlessness? What type of cities do you want to build for our children, for our grand children? Dr. Manmohan Singhji, I know, is said to have brought in the open competition. "Go with the other countries. Compete with the world." Can you compete with the world if your transport moves at one-tenth of the speed at which the transport in other countries moves? If I have to go to various cities and move into cities with my luggage, with my material to be sold or marketed, it goes in this fashion that my speed is only one-third or one-twentieth of the speed of my competing country. Can I compete with others in the city? It has to be a disciplined city. Now you say more people have come. It is the people's issue. It is precisely for the people that the Master Plan has been made. If this type of illegalities are being committed, if this type of urban indiscipline is being encouraged, the Delhi population, if the present trend continues, will be 3 crores in another 20 years. Both Delhi and the National Capital Region will be killed. Somebody said, "Why don't you change the National Capital Region?" This is what I have been trying. If you continue this process of regularisation and perpetuation of illegalities, who will go to the NCR? If you allow all types of things, who will go there? At Boondi, in Rajasthan--I have gone there - 8,000 plots were developed for industrial purposes, to shift those people who want to go from the NCR. But, because of this type of methods, the *in situ* regularisation, etc. it doesn't happen. What does the Supreme Court say? My friend, Mr. Kapil Sibal, has gone. The Supreme Court has categorically stated, "All our orders have been flouted primarily because you want to tie our hands with *in situ* regularisation, which we are not going to do". Mr. Kapil Sibal read out some statement. He is a very eminent advocate, a very able lawyer. He can give any argument he likes. (Interruptions)... I am saying he is an eminent jurist and all that.



I will just give an example. He quoted from the order. What did he say? He said that the Supreme Court said so. I have got a verbatim copy of the order. It says, "Mr. Rohtagi, appearing for the N.C.T. of Delhi, submits that it is the DDA which is the authority concerned with regard to the implementation and enforcement of the Master Plan". Mr. Rohtagi submitted that the Delhi Administration had written to the DDA, that he should be allowed to work in the residential areas, and that, despite a letter, they had not done anything and so on. This submission was made by the Additional Solicitor-General. It is not the observation of the Supreme Court, which our learned friend, Mr. Kapil Sibal, tried to present before the House. It is not the observation of the Supreme Court. What does the Supreme Court say? He has just connected the two. "It is evident that this is a case of passing the buck--the responsibility of implementation of the orders. The state of lawlessness continues with impunity, with complete disregard to the interest of the overwhelming majority, and the people are suffering and they are forced to live in illegal colonies, in illegal areas". *(Interruptions)*...

DR. BIPLAB DASGUPTA (West Bengal) : Jagmohanji, can you repeat what you have stated just now? *(Interruptions)*

SHRI JAGMOHAN: I will answer your question. Please don't disturb. I will give you this.

DR. BIPLAB DASGUPTA: Mr. Sibal is here now. You repeat what Mr. Sibal had said, which you disagree with. *(Interruptions)*...

SHRI JAGMOHAN: It is on record. I have corrected it at that time also. I will repeat it.

DR. BIPLAB DASGUPTA: Kindly repeat it.

SHRI JAGMOHAN: My point was that this was not the observation made by the Supreme Court. This was the submission of Mr. Rohtagi. Then, I said, "The state of lawlessness continues with impunity, with complete disregard to the interest of the overwhelming majority of residents who have to tolerate such illegal industries in their midst". He did not read this. My point is that the observation of the Court is that this proposal which is there.... *(Interruptions)*...

SHRI KAPIL SIBAL: Mr. Minister, will you yield for a minute?

SHRI JAGMOHAN: This is exactly what it says. They are being forced. This is the observation of the Court.

SHRI KAPIL SIBAL: Hon. Minister, will you yield for a minute? I yielded to you.

SHRI JAGMOHAN: Okay, I yield. I am only saying what you have quoted.

SHRI KAPIL SIBAL: I am repeating what I have quoted. I am reading from the order, and you can tell me whether I am right or wrong. The Supreme Court stated, "The effect of this is that the infringement of the law continues. If the law which has been promulgated is such that it cannot be implemented, then the logical solution would be to amend the same. It appears to us that the authorities concerned do not appear to be serious in seeing that anything is regularised or carried out in a regular manner or in accordance with law. Neither is the law implemented nor enforced nor changed". This is the observation of the Supreme Court.

SHRI JAGMOHAN: I am coming to that point also. This is the simple point that I said. This is what Mr. Rohtagi had said. He converted it into an order of the Court.

SHRI KAPIL SIBAL: You read next paragraph. It says, "Despite a letter written more than a years ago..."

SHRI JAGMOHAN: I am coming to that also. These are the observations. I have got the whole judgement. I will come to that.

Now I would like to make a point about this judgement. Then comes the question of Master Plan amendment. We submitted to the Court as I stated earlier "The Master Plan could not be amended merely to cover inaction. The Master Plan has to be amended on certain planning and principles. It has to be amended in the public interest. It has to be amended in the interest of justice. What has been recommended does not fulfil any of these conditions". Therefore, we said this. Mr. Sibal, please listen to me. What did the Court say? The Court said, "We want an affidavit from the Ministry of Urban Development". The Ministry of Urban

Development was not involved. When the Court got exasperated with the Government of National Capital Territory of Delhi and the local authorities, they then addressed the issue to us. They said, "Let the Ministry of Urban Development come". This happened only two months ago. When we stated that this is the exact position with regard to the recommendation which they have made for amending the Master Plan, what did the Court say? In fact, you said that this was the observation made only in the Court and that it has not been put in the order. It has been reported in the Press. What I stated in my observation was the Supreme Court said that this is the only sane voice. You said, "It is not there". The Supreme Court also asked, "Do you want to amend the Master Plan to perpetuate pollution?" Can the Master Plan be amended to perpetuate pollution? Can the Master Plan be amended to force the hands of the Supreme Court or to frustrate its earlier order by insisting on *in situ* regularisation? *(Interruptions)*. I will explain it. After my affidavit, what did the Court say? The Court said, "This is a stand which has to be commended as it shows that there is a will to implement and uphold the law". *(Interruptions)*.

SHRI KAPIL SIBAL: Because you do not want ...*(Interruptions)*.

SHRI JAGMOHAN: They asked, "How can it be amended?" *(Interruptions)*. Listen to me. MCD and NCT were happy to regularise the illegality by amending the Master Plan. Now all your arguments fall flat on this issue because they said, "This is a stand which should be commended". The first thing is, it has the approval of the Supreme Court. Secondly, ...*(Interruptions)*.

SHRI KAPIL SIBAL: If the Minister says that the Master Plan will not be amended, how can the Supreme Court say, "We cannot commend it"? The Supreme Court is bound to say that it would commend it. But the fault lies with the Ministry. They should have said, "We will amend the Master Plan"

THE DEPUTY CHAIRMAN: Please sit down. We have to finish this business. The Minister of External Affairs is sitting here.

SHRI JAGMOHAN: Madam, let me not be interrupted. I have listened to everybody. Now it is my turn. They should also have the facts clear on the ground. What I am stating is this. The stand that we took before them was that this was not a rational justification for amending the

Master Plan. The Master Plan can be amended only on valid grounds and in the public interest. We do not want to have three crore people. We do not want to have a polluted city. We want to have a regular city. This is the reason why we are saying so. By amending the Master Plan the way they want, the wrong doers would be rewarded and the law-abiding citizens would be punished in perpetuity. So this is not the time. The Supreme Court said - this is the latest order - "There is a stand which has to be commended as it shows that there is a will to implement and uphold the law". You want to alter the situation today by doing whatever you want to do. MCD and NCT were happy to regularise the illegality by amending the Master Plan. They are condemning the proposal to implement the Master Plan on this ground which your State Government has submitted. What do they say? You say that there are one lakh industries. I said, "Let us be clear about the facts". What are the facts? Where are these one lakh industries? As I said in my statement, we have to ensure that there is a planned development of Delhi. We are not against industries. There are 50,000 industries which we located in proper areas. Industrial development has taken place. All those industries are there in a regular way. These are the industries which have come in an irregular and illegal way. There is a distinction. Nobody has talked about the distinction. Somebody asked, "Who are the people who are employed in those regular industries?" Somebody said, "They are doing small work".

Convenient shopping centres are there, according to the plan. Local shopping centres are there. Survey centres are there. All these activities are allowed there. The Master Plan says: "These are the residential areas; these are the commercial areas; these are the industrial areas, and within the residential areas, these are the local commercial and local residential areas." All these are there. I want to remind your House that it is you who have approved all these; it is you who have approved the basic principles of the Master Plan and also its contents. Now you want it to be amended, on the basis of the recommendation of one Director of Industries who has said that it should be done like this.

Then, the other point is, probably, the figures. From where does this one lakh figure come? (*Interruptions*)

SHRIMATI AMBIKA SONI: It does not mean that if a Master Plan is approved, then it must never be amended...

SHRI JAGMOHAN: I am not yielding...*(Interruptions)* I am coming to your point also. I will deal with it...*(Interruptions)* Don't get impatient, because truth is bitter...*(Interruptions)*

श्री राजू परमार : आप चाहते हैं कि उसको चेंज नहीं करना चाहिए।

श्री जगमोहन : मैं आपको अभी बताता हूँ कि क्या चेंज करना चाहिए। The point is that, figures have been quoted. Everybody is quoting figures of one lakh, twenty-five thousand and all that. What did the Supreme Court say in its observation yesterday? It asked Shri Venugopal, the Counsel appearing for the Government of the National Capital Territory of Delhi: "Tell us what are your figures? Sometimes, you talk of one lakh; sometimes, you talk of twenty-three thousand or forty thousand." He could not reply to it. This is exactly my complaint. Today, anybody is talking anything. What happened when the applications were invited? The Supreme Court record is there. It says: "So many applications were invited." I have given in my statement that out of the 45,000 applications received, around 43,000 applications were found to be worth scrutinising; out of that scrutinisation, so many were found to be not eligible, and only so many industries were found suitable, and the rest of the industries were...*(Interruptions)*

SHRI SWARAJ KAUSHAL (Haryana): That is not right...

SHRI JAGMOHAN: Just a moment. Let me complete. Supposing there are one lakh industries; what prevents them from applying? What prevents them from saying, "We are sorry, we cannot pay the money"? Nobody has applied. And Shri Kapil Sibal gave a long explanation, saying that it is the fault of the previous Government of Delhi. Now I ask: When the Government of Delhi was asked in the very beginning, why did they not give these figures at that time? It is the previous Government which acquired the 1300 acres of land. And if there are any difficulties, then they should have told the Court, "This is the difficulty we have inherited. We cannot develop the area in a short time. We cannot allocate the plots in a short time." But they could not give any satisfactory explanation. And, thereafter, the Supreme Court, after condemning them for inaction for two months, for not doing anything, and living with the irregularities...*(Interruptions)*

SHRI KAPIL SIBAL: I am sorry...

SHRI JAGMOHAN: I am not yielding...(Interruptions)

SHRI KAPIL SIBAL: Madam Deputy Chairperson, there is a statement made by the hon. Minister that yesterday, when Shri Venugopal addressed the Supreme Court, on behalf of the Government, - the Supreme Court asked him, "What are your figures? You never tell us your figures." - he could not answer...(Interruptions) I read from the affidavit of the Delhi Government in the Supreme Court. What does it say? Page 15 of the affidavit in October, 2000, says: "The Economic Survey of 1990...(Interruptions) I want to put the record straight...This is a factual statement...(Interruptions) Let me put the record straight. It is being stated that the Delhi Government does not know its own figures. I want to put the record straight. It says: "The Economic Survey of 1990 indicates that 92,096 industrial units employing 6,18,815 workers were functioning in Delhi in 1990. Now, when he says that the Delhi Government did not know...(Interruptions) This is on affidavit. It is not fair that you give an impression to the people of Delhi that there are not one lakh industrial units. This is on affidavit...

THE DEPUTY CHAIRMAN: Let him answer...(Interruptions)

SHRI KAPIL SIBAL: But this impression should not go.

SHRI JAGMOHAN: Madam, if I had not been interrupted, I would have more or less completed. But the issue is: If there are figures, then, why don't they put them up in the Court? (Interruptions) It is the Survey Report which you are reading. Your Survey Report includes legal, organised, industries...(Interruptions)

SHRI SWARAJ KAUSHAL: Mr. Minister, I may be with you. But then, the figure is 1,30,000. You make a statement that the industrial survey was not done and that the figure is not as alarming as 1,30,000.

SHRI JAGMOHAN: Mr. Swaraj, if you kindly listen to me completely and be calm, all the points will be covered. All that I am saying is... (Interruptions)

SHRI JIBON ROY: Minister, Sir...

THE DEPUTY CHAIRMAN: Mr. Jibon Roy, please...

SHRI JIBON ROY: The only assurance we want is that not a single job will be lost. *(Interruptions)* That is the only assurance we want from him. *(Interruptions)*

SHRI JAGMOHAN: Please listen to me. I will reply to it. *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Jibon Roy, let him complete. Let him answer all the points that were made. If you put new questions, then we won't be able to complete it. *(Interruptions)*

श्री जीवन राय: बात मास्टर प्लान के खिलाफ नहीं है, बात प्लानिंग के खिलाफ भी नहीं है। बात यह है कि नौकरी चली गयी, फैक्टरी चली गयी...*(व्यवधान)*...I want to know whether the jobs will be protected or not. He should answer that question. *(Interruptions)* Why is he not saying that? That is the issue. *(Interruptions)* He should answer that question. *(Interruptions)* That is the issue. The issue is not... *(Interruptions)* The issue is whether the jobs will be protected or not. The issue is whether the factories are going to be protected or not.

THE DEPUTY CHAIRMAN: Okay. Let him reply how the jobs can be protected.

श्रीमती सरला माहेस्वरी (पश्चिमी बंगाल) : पहले झोपड़ी तो सुरक्षित रखो, फिर महल का सपना देखो। झोपड़ी जलाकर महल का सपना देख रहे हो।...*(व्यवधान)*...

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI O. RAJAGOPAL): Madam, the whole day the Minister was listening to them patiently.

THE DEPUTY CHAIRMAN: Yes. Let us listen to what he has to say. *(Interruptions)*

SHRI JAGMOHAN: If you listen to me patiently, you will find that it is not necessary to raise the points that you are raising. *(Interruptions)* Madam Chairperson, what I was saying was that whatever be the number that has been quoted here, I am saying that on an affidavit of the Delhi State and on the basis of the high-powered committee which was set up under the orders of the Supreme Court by the State Government, certain

number of industries, which were affected by the orders of the Supreme Court, made an application. That number is there in my statement and that number is in the file, on the basis of two or three opportunities given to the people. Those who have not applied are assumed either to be not existing or they are not serious in getting accommodated in the other areas. *(Interruptions)* Why don't you first listen to me? *(Interruptions)*

SHRI JIBON ROY: But you have to discuss it with all the political parties. You have to evolve a proposal so that the jobs are saved and the factories are saved. *(Interruptions)*

SHRI JAGMOHAN: Madam, they are not allowing me to reply because all that I am going to come out with will be... *(Interruptions)* What I was saying was that those people who had not applied, were given a second opportunity... *(Interruptions)*

श्री एस. एस. अहलुवालिया : जिस कारखाने में काम किया, वह तो बंद करवा दिया, अब किसको बंद करवाएंगे? ...*(व्यवधान)*...

SHRI JAGMOHAN: Those who had not applied, they were given a second opportunity... *(Interruptions)*

SHRI JIBON ROY: You don't talk about it. You are a But not ...*(Interruptions)* You are happy to change places. *(Interruptions)* Oh serious things, don't make such comments. *(Interruptions)* कभी इधर से उधर और कभी उधर से इधर ...*(व्यवधान)*...

SHRI S. S. AHLUWALIA: Madam, I take serious objection to this. *(Interruptions)* He must withdraw it. *(Interruptions)* It is too much. It is too much. *(Interruptions)* If you want to use all the adjectives and words, then I can also speak in the same language. *(Interruptions)*

SHRI JIBON ROY: You told me that I got closed the factory in which I was there. *(Interruptions)*

SHRI S. S. AHLUWALIA: Yes, that is true. You accept it. *(Interruptions)*

SHRI JIBON ROY: I am saying that some politicians are a marketable commodity. *(Interruptions)*



SHRI S. S. AHLUWALIA: \* *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Ahluwalia, please sit down. ...*(Interruptions)*... अहलुवालिया जी बैठिए । ...*(व्यवधान)*...आप बैठिए ...*(व्यवधान)*...जीवन राय जी बैठिए ...*(व्यवधान)*...

SHRI JIBON ROY: You mix personal issues with serious issues. ...*(Interruptions)*...

श्री एस.एस.अहलुवालिया : पूछो, एम.ए.एम.सी. किसने बंद कराया ? ...*(व्यवधान)*...

SHRI JIBON ROY: What we are talking about is in terms of labour. About 50 lakhs people are involved. ...*(Interruptions)*... It should not be decided like this.

THE DEPUTY CHAIRMAN: Please sit down. Mr. Jibon Roy, please sit down. ...*(Interruptions)*... Mr. Jibon Roy, I will have to ask you to leave. Please sit down. ...*(Interruptions)*... Mr. Jibon Roy, please don't stretch my patience. The questions have been put. You made your points; Mr. Sibal and everybody on this side and on that side made their points, and the Minister is answering. It is very unfortunate that you are calling some other Member as a

This is not a word which I would like to go on record. You withdraw your word...

SHRI JIBON ROY: I am sorry. I withdraw my word. THE DEPUTY CHAIRMAN: Yes, you withdraw your word because this is not proper. You all are colleagues. Everybody has his own policy; everybody has his own freedom. If somebody has done something, it is for the people to decide. You and I should not say who is saleable and who is purchaseable. Please don't use these words. It is not proper. जवाब दीजिए।

SHRI JAGMOHAN: Madam, I was saying about the figures, and again I was interrupted. A second opportunity was also given to them to apply. The other point is that, after the Supreme Court got exasperated, they passed an order in September, 2000, requesting the Ministry of Urban Development to take this responsibility and become a nodal agency for ensuring that the orders of the court are obeyed and implemented, keeping in view the provisions of the

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\* Expunged as ordered by the chair.

Environment Act and other provisions of law. At that time, to settle this controversy about this point - a number of people who were there - I immediately suggested to the State Government that you kindly promulgate an Ordinance for requiring industries to be compulsorily registered in Delhi so that everybody knows where is that industry; what is the type of the industry that they want to set up; what type of power they would need, whether it is permissible, whether it comes within our principles or not. After having agreed, the Delhi Government dragged its feet on this fundamental issue. They have not so far issued it. Otherwise, this controversy would have been put to rest. Our friends are saying that I have agreed to the amendment in the Master Plan. One of our friends said that I used the word 'would' twice in my statement. It means that if, after this Ordinance is issued, I come to know that there are more industries which require to be relocated, I will relocate them by amending the Master Plan to the extent that more areas will be earmarked for the industrial area called Bawana where these industries are already going. As mentioned in my statement, 1,300 acres of land has already been acquired, about which the Supreme Court got annoyed because they did not develop it after having acquired it in 1996-97. Now, the issue is, this is the amendment that I am agreeing to, that if need be - I say, if need be, - if the number of industries are found to be less, then I need not amend it. So, this is the issue that I am posing. I am not taking sides on whether one lakh is correct or 30, 000 is correct or what is correct. I am showing the state of confusion that prevails at the local level today. The second point I would like to make is that, when I say that I will amend the Master Plan to redefine the household industries, I am agreeing only to this, that the amendment of the Master Plan would be to redefine the household industries, keeping in view the recommendations made by the Jagdish Sagar Committee. What is the recommendation made by this Committee? It has made the list given in the schedule of the Master Plan up-to-date a little more; more computers, more information technology items which can be carried out in the house. The point is, the number of persons who can work there; the person who is running the industry should be the actual owner or a legal tenant of his. As I mentioned, it should not be that a person living in Maharani Bagh is getting small units illegally built and putting labour there and condemning them.

The man must live there. This is what I am agreeing to. The household industries will be redefined, in terms of the Master Plan. These are the two amendments, which I have agreed to, in the Master Plan. It

was mentioned by Dr. Karan Singhji that I am stubborn. I have not been stubborn. I have been firm and fair and I have been advocating and endeavouring that the rule of law must prevail in this city and this country; otherwise, we will leave a junkyard and unauthorised construction in other cities, and nothing else will be there. This is what the whole logic of my statement is. I want to be fair, but I want to be firm; and whatever laws this august House has passed, I want a faithful implementation of those laws. I am not agreeing to your 70% or 60% figure, because most of them are polluting industries. The figure that has come in that survey is also totally unreliable. The other parties have also made...*(Interruptions)*... You ask in the end. Let me complete my proposition now. *(Interruptions)* I don't know what suits you and what does not suit you.

What I am saying is what the decisions of the Government are. In these industries, somebody says that I have put in 70 persons and, therefore, it should be regularised. The Government is not doing it. We are not going to amend the Master Plan to do this type of things. As I had said in my statement, we will amend the Master Plan, in the interest of justice, fair play, keeping in view the land development of Delhi and keeping in view the interest of the law abiding citizens. These will be followed and nothing else. That should be very clear.

We are, at the same time, prepared to look into the hardship that may be involved, and that is what I mean when I say 'relocation of industries in the proper areas.' For those who are affected, whether they are labourers or managers, they will be relocated in proper areas where layout plans will be drawn in accordance with the principles of planning and principles of environmental protection. Other things like sewer-lines and water supply will be laid out there. That is the objective which we have in view.

The second point which I would like to underline is about the labour. You are always talking about the labour. Now, the labour may be benefited the most by the relocation because their jobs are not being lost. They get jobs at the new areas. *(Interruptions)* You are not listening to me. *(Interruptions)* In Bawana... *(Interruptions)*.

THE DEPUTY CHAIRMAN: Their question is whether the industries will be closed down or relocated. *(Interruptions)*

5.00 P.M

SHRI JAGMOHAN: I am saying that no amendment will be made to the Master Plan just because somebody has set up an industry in the residential area, because that act will be a punishment to the law abiding citizen who will be having his house over there and who will be living there. If you are living in that house and if somebody sets up an industry and asks for regularisation of that and he throws you out, what is this? This is not the thing which we are going to do. We will protect those people who are law abiding. This is the fundamental purpose.

I will give you an example. Please listen to me. We are in the Council of States, as Dr. Singhvi pointed out. I will give you a letter which has been issued by one Mr. Rajendra Singh. I will give this letter to those who are advocating regularisation in cities. He has made this representation to the Human Rights Commission. He says that somebody has illegally set up an industry underneath his house. His wife was suffering from asthma. She was dying, and they did not listen to him. Nobody stopped the industry and, ultimately, the poor lady died. On the day of death, when the fumes were coming out, he asked them to stop it for one day, but they did not listen to him. It is all in writing in an affidavit.

I will give it to you. Is this the type of arrangement we are going to encourage? Certainly not. As I have said, those industries which have come up in the standard manner will not be thrown out. We are sympathetic to them. As I have said, we have started plans, keeping in view the interests of the industrialists and keeping in view the interests of the residents.

They will be shifted to the relocated areas. If there is a need, if the number is more, we will give more land for that. Then we have been saying that we are also requesting the Supreme Court that please give them a little more time. Maybe, they have been remiss, they have not done their job properly but let us see what the practical solution is. Give them a little more time which I think is a fair proposition that has been formulated. Nothing wrong can be done about it. Now, we do not know whether the Supreme Court agrees to this solution or not, that is the Supreme Court's decision. We are only saying that we will request them please give more time. I would like to make it clear that no polluting industry is going to be regularised. There must not be any apprehension in anybody's mind. Any polluting industry, located anywhere, will not be

tolerated. We are going to give only an area called Narela. *(Interruptions)*  
Please listen to me.

SHRI KAPIL SIBAL: I agree with you but we are talking about the non-polluting industry. . *(Interruptions)*

SHRI JAGMOHAN: All right, I thank you very much for agreeing with me at least on this point. . *(Interruptions)* What I am saying is in Narela this area has been developed where these industries will also be relocated with due arrangements made to ensure that the pollution, pollutant effects are neutralised.

It is only they which will be located in that area. Nobody is going to be thrown out of his job. Everybody will get it. In fact, the labour will be the most benefited because they will work not in a polluted industry, not with fumes, but in better conditions. There will be water pollution arrangements, and every arrangement will be there and priority has been given to the water polluting industries. Then I come to the labour. Where is the labour which is working in these areas? Can any one tell me? Where is the worker? You have set up an industry in your house, but where is the labour? Is it staying in your house? You are not taking care of the labour at present at all. Now, where I am settling these industries in Narela, I am earmarking an area for labour and 15 per cent of land is for the labour. In the resettlement colony of Narela 15000 plots have been developed for the poor where they will be living with an organised layout of Rs. 6 crore for school water, electricity and other amenities. Instead of defecating... *(Interruptions)*

SHRI KAPIL SIBAL: Why are they rioting? .. *(Interruptions)* Why murders are taking place? Why have three people died? This is not acceptable to us. *(Interruptions)* This is unacceptable to us. I am sorry. *(Interruptions)*

AN HON. MEMBER: They are making a political issue out of it. *(Interruptions)*

SHRI KAPIL SIBAL: These are anti-poor policies. *(Interruptions)*  
We are walking out.

(At this stage some hon. Members left the Chamber)

THE DEPUTY CHAIRMAN: I think we have to conclude now. *(Interruptions)* I have to adjourn the House. It is already three minutes

beyond time. *(Interruptions)* Let him conclude. *(Interruptions)*

DR. BIPLAB DASGUPTA: In protest against the way he is dealing with this issue, we are walking out of the House.

*(At this stage some hon. Members left the Chamber)*

प्रो.रामदेव भंडारी : आप गरीबों को उजाड़कर अपने घर बसाना जानते हैं  
...(व्यवधान)... (कुछ माननीय सदस्य सदन से उठकर चले गए)

श्री एस.एस.अहलुवालिया : गरीबों को स्कूल नहीं देना चाहते ...(व्यवधान)...

श्री राजू परमार : वहां जाकर बोलिए ...(व्यवधान)...

श्री एस.एस. अहलुवालिया : आप भड़का रहे हैं...(व्यवधान)...

SHRI JAGMOHAN: Madam, I am concluding. I have already made my position clear. I have given the rationale behind it. When I talked of the labour and the propaganda that is going on about shifting and when I spoke the truth, they walked out. It does not suit them to give benefit to the labour.

THE DEPUTY CHAIRMAN: Have you concluded?

SHRI JAGMOHAN: Yes, Madam, thank you.... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Okay, the House stands adjourned till eleven of the clock tomorrow.

The House then adjourned at four minutes past five of the clock till eleven of the clock on Thursday, the 23<sup>rd</sup> November, 2000.

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