

रूप में और अंतर्राष्ट्रीय भाषा के रूप में प्रतिष्ठित करने में और न्यायोचित स्थान दिलवाने में एक शक्तिशाली माध्यम का काम कर सके। बहुत-बहुत धन्यवाद।

**SHRI JIBON ROY (West Bengal):** Madam Vice-Chairperson, the hon. Minister is making a statement on a issue which concerns four Ministries—the Ministry of Labour, the ministry of Industry, the Ministry of Environment and the Ministry of Law. I am afraid, whether the Minister of Welfare will be able to reply to the questions that will arise out of this statement. Therefore, I feel it is not in order. The concerned Minister should come and make the statement. I do not know from which date, the Ministry of Labour and the Ministry of Industry entered the Ministry of Welfare. It is a very important issue. The entire work force in Delhi is involved.

**SHRI V. NARAYANASAMY:** Madam Vice-Chairperson, I agree with the hon. Member. This issue concerns various Ministries. I would like to know from when Shri Ramoowalia has taken over as Labour Minister. The Ministry of Industry, the Ministry of Labour, the Ministry of Environment and the Ministry of Law are all involved.

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** Let him make the statement.

**SHRI JIBON ROY:** In what capacity is he going to make the statement?

**SHRI NILOTPAL BASU (West Bengal):** We are all exercised over this issue. We all know that so many Ministries are involved. Now Shri Ramoowalia will be making the statement. Will he be able to answer the questions arising out of the statement?

**THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE):** Let the Minister reply.

#### STATEMENT BY MINISTER

##### Closure of industries in Delhi as a result of directions of the Supreme Court

**THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA):** In the wake of directions of the Hon'ble Supreme Court in the Inter-lodatory Application No. 22 in Writ Petition (C) No. 4677 of 1985, 168 industries listed as hazardous/noxious/heavy/large industries are to be closed down on the mid night of 30th November, 1996. Subsequently by another order, the Hon'ble Supreme Court has directed a further 513 units to be closed w.e.f. 31.1.1997. In the order dated 8.7.96 the National Capital Regional Planning Board has been directed to render all assistance to the industries for the purpose of relocation outside Delhi. The Hon'ble Supreme Court has also given certain directions regarding the amount of compensation to be paid to the affected workmen. The Hon'ble Supreme Court has also given directions that the workmen employed in the industries which fail to relocate and the workmen who are not willing to shift alongwith the re-located industries shall be deemed to have been retrenched with effect from 30th November, 1996 provided they have been in continuous service for not less than one year in the industries concerned before the said date. Besides the compensation payable under Section 25 F(b) of the Industrial Disputes Act, such workmen will also be given one year's wages as additional compensation.

2. According to the information received from the Government of NCT of Delhi the industries have so far not shown any inclination for re-location. The trade unions have also expressed apprehension that the industries are more interested in selling part of the land and utilise the money so received for pur-

want a categorical assurance from the hon. Minister that by tomorrow he will see to it that an appropriate court is approached by the Government of India. I want the Government of India to do this because it concerns the national capital. Let the Government of India, let the Attorney-General approach the appropriate court for the necessary amendment of the judgement. We want a categorical assurance on this issue. The Minister must tell us why there was so much delay. I would like the Government of India to tell us whether they have taken up the matter of relocation of the industries with anybody. They could have used their good offices or bad offices, whatever they have, to find a solution to this problem. They could have spoken to the industry. They could have held a tripartite meeting. Something more than what has been done by the Government of India should have been done. If the Government of India goes in default, then it shall collectively stand condemned in the eyes of the people. It is not a question of some 30,000 people losing their jobs. It is a question of the Government of India not taking timely action to secure necessary amendments to the judgement. I want the hon. Minister to clarify these two points.

Thirdly, I would like to know from the hon. Minister why he was not able to take into confidence the other Ministers. What does the term 'collective responsibility' mean? The hon. Minister should have told the House that the matter was discussed with other concerned Ministries and that a collective decision was taken. He says that it is 'in his opinion'..... Why was no reference made to other Ministries? If what he says is a half-truth, then he should come out with the full truth. Anyway I want immediate action to be taken by the Government of India. By tomorrow the Government of India should take action as as to remedy the situation.

Thank you, Madam.

**SHRI PRANAB MUKHERJEE** (West Bengal): Madam, Vice-Chairman, I want to seek a few clarifications from the hon. Minister. So far as our understanding goes, the NCT of Delhi, in all these matters, is capable of taking its own decisions. Except in matters of police administration and some revenue matters, the Government of Delhi enjoys the power of any other State Government. Why did it not take a decision? As Das Gupta has pointed out, we are today left in a situation where we have only one day to approach the Supreme Court because 30th November is a holiday for Supreme Court.

Secondly, we find from the statement that the Supreme Court in its order dated 8th July, 1996 directed the National Capital Territory Regional Planning Board to render all assistance to the industries in the matter of their relocation outside Delhi. It means that they were directed to implement the order dated 8th July, 1996. Today it is 28th November, 96 and we are still talking about this. I would like to know whether the Planning Board of Delhi State has taken any action in regard to identification of sites for the relocation of the industries, whether those identified sites were given to the industries to be relocated, etc. I want the hon. Minister to let us know on these aspects. There is a third aspect and the Government of India will have to take note of it. The hon. Home Minister is present here. Though, in the re-allocation of business, the Supreme Court and the High Courts come under the purview of the Law Ministry now, till recently, up to mid '70s, they were under the control of the Home Ministry and, perhaps, that was better. Now, relocation of industries is basically an executive decision. The control of pollution is a very important angle, but at the same time one cannot forget the famous observation that poverty is the biggest polluting factor in the society, apart from other types of pollutions. I would like to know whether

poses other than for relocation. The unions have, therefore, demanded that in the overall interest of the workers the industries should be compelled to relocate and that in case of workmen who, do not want to shift for one or the other reason, amount of compensation should be more than what has been ordered to be given in the judgement of the Hon'ble Supreme Court.

3. This is a matter of grave concern as besides creating unemployment for about thirty thousand workers, this may lead to social tensions and a law and order situation. In the circumstances, we are exploring the possibility of advising the NCT of Delhi to approach the Hon'ble Supreme Court to review their order in such a manner that shifting and re-location becomes an obligation rather than an option on the part of the industries concerned. They may also request the Hon'ble Supreme Court to consider allowing a higher compensation for such workers who are not in a position to shift to other places because of one or other reason. While the Government is fully conscious of the need for pollution-free environment and planned development and fully respects the judgement of the Hon'ble Supreme Court in the matter of closure of such industries, the Hon'ble Court could also be requested to allow some more time for closure and relocation of the industries in question.

**SHRI GURUDAS DAS GUPTA** (West Bengal): Madam, This is a unique problem, a unique problem in the sense that the problem of pollution is being pitted against the problem of human beings. Pollution is definitely a danger but retrenchment and unemployment of the workers and poverty and distress also should be considered as a basic human problem. There is no question of pitting one against the other. I do not like to go into the Supreme Court judgment but it is quite clear that the Supreme Court judgment gives option to the industries not to relocate. If the Supreme Court gives the option, absolute liberty, to the

industries not to relocate, they can decide to close down and while they decide to close down they have been given the option to give to the workers a stipulated amount of compensation. Therefore, the judgment, according to my own wisdom, can be criticised or at least there is inadequacy in the judgment to the extent that it does not compel the employer. Secondly, the judgment is inadequate in the sense that it does not stipulate the amount and volume of compensation to be given to the workers. While saying so, Madam, I am strongly criticising the Government of India. I do not know if it is Mr. Ramoowalia or if it is somebody else. But Government of India collectively should be held responsible. Why? The judgment was given much earlier. But today it is 28th, two days are left, only one working day is there. Saturday is not a working day for the Supreme Court. Even now the hon. Minister has the satisfaction of telling the House that we will advise. How long will the hon. Minister take to advise and why did he not advise them earlier?

Why did he not advise the Delhi Government before? I know there were demonstrations held in Delhi. Some delegations of workers met the Prime Minister and the Home Minister. The trade unions have been knocking at every door. Even then, the Government of India did not realise the gravity of the situation and it did not have the time to advise the Delhi Government already. It is yet to advise the Delhi Government. This is the level of inaction. This inaction of the Government of India may create a situation where the judgement of the Court may be left unamended. If the judgement is not amended by a superior court or by some other Bench of the Supreme Court, we will be left with no other option.

Madam Vice-Chairman, human problems should not be treated in the way they have been treated by the present Government. Therefore, without going into any other aspect of the issue, I

the Government of India agrees that certain areas of functioning that have been allocated to the executive as per the scheme of things under the Constitution, are being encroached by other Constitutional authorities. I am not talking of judicial activism or this or that. That is a different issue altogether. But relocation of industries is essentially the job of the executive. It is neither the job of the legislature nor of the judiciary. Madam, it is not merely a question of 168 units that are going to be relocated or closed in case they cannot be relocated, they are being followed by 513 units again. Therefore, it is much more beyond the problems concerning relocation of industries or the pollution problem. To my mind the judiciary is entering into the jurisdiction of the executive, a jurisdiction which is exclusively of the executive. What is Government of India's response and what are they going to do with it?

Therefore, the Special Leave application to the Supreme Court for review should be made much more comprehensive. It is beyond the problems concerning relocation of industrial units. There is consequential retrenchment of employees, loss of jobs, etc. Thank you, Madam.

**SHRI V. NARAYANASAMY** (Pondicherry): Madam Vice-Chairman, thank you for giving me this opportunity. I would make a brief mention.

The hon. Minister has not replied to our points. And, since Delhi is a Union Territory, the hon. Home Minister also has to answer certain points on this issue. The other Ministers like the Minister of Industry and the Minister of Environment also have to reply. Of course, the Law Minister also but his job is over as the Supreme Court has already given the direction. You have to confine yourself only to the labour's point of view. Unfortunately, this Government has taken this issue very lightly. Madam, a news item appeared in the press about one and a half months back. Everybody was sur-

prised. The workers went on agitation. Industries' delegations also came here and met the Ministers of the Central Government. Madam, the issue relates to the State Government. But Delhi being a Union Territory, the Central Government also has got a responsibility in this regard.

But, Madam, there is no clear-cut policy of the Government as is reflected in para 3 here. They have given three alternatives in para 3. They will go for review, directing the State Government of the Union Territory of Delhi. Then, they will tell the industries to go to the Supreme Court for review of the compensation amount that is to be paid. Thirdly, for making Delhi pollution-free, they will close the industries for some time and wait for the order of the Supreme Court. They also wanted some more time from the Supreme Court. I would also like to know whether the Government of the Union Territory of Delhi has made up its mind to assist the industrial units in their relocation. It may be that some of the units are not willing. But not all the 681 units will be unwilling. Some of the units wouldn't like to go because Delhi being the Capital and the prices of land being high, they would like to speculate on that. But, you have to protect the interest of labour. Secondly, the National Territory of Delhi has got every power and authority to direct industries, and if they want to sell land, then they should not be allowed to sell land because it is the direction of the Supreme Court. The hon. Minister is not clear in his statement. You can have control over industries because you have to give them licences, you can give them permission for the purpose of selling their land and you have to protect the interest of employees. All these powers are with the National Territory of Delhi and the Central Government has to assist it. Why have you come to this House? I want to know whether you want to inform this House as to what is happening there or you want a solution from this House. you should tell us. Madam, we cannot make

out anything from the statement. It gives only the factual position. The Government's policy has not been indicated there. Paragraph 3 of the statement indicates that the Government is in a confused state of mind. Madam, our primary concern is welfare of employees. Today, even in Delhi, we find so many unemployed youth. When these 30,000 people become unemployed, then definitely there will be a law and order problem in Delhi. The Central Government has to face it because law and order comes under it. We find that the direction of the Supreme is very clear. You have to force industries to comply with the direction of the Supreme Court.

THE VICE-CHAIRMAN (Miss Saroj Khaparde): Mr. Narayanasamy, would you please yield for a minute? If the House so agrees, I would like to request Shri Satish Agarwal to take the Chair.

[Shri Satish Agarwal in the Chair]

SHRI V. NARAYANASAMY: Mr. Vice-Chairman, Sir, I want to know from the hon. Minister the recommendation or opinion of the National Territory of Delhi. Let the Minister tell us what the National Territory of Delhi wants on this issue. What was their request to you? Nothing has been given in the statement. Primarily, issuing licences, taking care of employees' problem and funding of financial institutions come under the jurisdiction of the State Government. Delhi being a Union Territory, you also have got a responsibility, but what does the Union Territory of Delhi want? That you have to tell this august House. Today you have put us in a situation where you cannot go against the orders of the Supreme Court. This is number one. Number two, you have to protect the interest of employees. Number three, you have to see that these industries are re-located and started there. These are three issues which are now pending before the Government. It can be seen from the statement that the National Territory of Delhi has no policy on this regard. Even the Central Government has no policy on

this. Now you have come before Parliament to tell the hon. Members as to what you are going to do. Today Delhi is the fourth most polluted city in the world, whether it is vehicular pollution or industrial pollution or any type of pollution. Now the Ganga Action Plan has been brought about for the purpose of purifying the Ganges in Delhi area. An enormous amount of money has been spent, but no result has come forth. The hon. Minister may not be able to answer that point because it is related to the Ministry of Environment and Forests. Therefore, we wanted the Minister of Environment and Forests to be present here as that Ministry contested this case in court. Then, the Ministry of Industry also has a say in the matter. You may be able to answer issues relating to labour. You will not be able to answer other issues because you don't have the material with you. You should come to this House along with the concerned Ministers so that the House will be able to assist you for the purpose of solving the problem. Now, you have shown the desire of industries that they want to sell a part of land and they don't want to re-locate these industries. These industries would like to do that. How are you going to convince them? I would like to know whether you called any meeting of industrialists for the purpose of convincing them to re-locate these industries by identifying land in the outskirts of Delhi where a lot of land is available. I want to know whether you are going to do that.

Mr. Vice-Chairman, Sir, the hon. Minister wants to convey some measures to the hon. Members, but he is not able to convey the same because there is no co-ordination between the Ministries. I would like to reiterate that there is no co-ordination from the Ministry of Environment and Forests, Ministry of Industry and the Ministry of Labour. Now you are officiating on behalf of other Ministers, but you are not able to say anything. I would like to submit, let all the Ministers come and tell their problem. The Opinion of the National Capital Territory of

Delhi and Home Ministry should also be sought so that we will be able to get a clear picture.

**श्री मोहम्मद आज़म खान (उत्तर प्रदेश):** सर, यह बड़ा ही अजीब इश्यु है। इसको सरकार को और सदन को सीरियसली लेना होगा और वह इसलिए कि सुप्रीम कोर्ट के फैसले के बाद सिर्फ देहली टेरिटरी में चलने वाले ये कारखाने बन्द होने वाले अपेक्टिड नहीं होंगे बल्कि पूरे हिन्दुस्तान में इसे नजीर बनाकर कहीं भी इस तरह की स्थिति खड़ी हो सकती है। मैं यह बात अपने तजुबों की बुनियाद पर कह रहा हूँ कि मजदूर को कम्पनरेशन देने से मजदूर का न तो भला होता है और न ही समस्या का निराकरण। मजदूर का भला सिर्फ इसमें है कि इन यूनिट्स को या तो दिल्ली टेरिटरी के बाहर कहीं शिफ्ट किया जा सके, उसके लिए यदि वह तैयार हो। लेकिन उन्हें बाध्य नहीं किया जा सकता कि यूनिट्स को आपको ले जाना होगा। मसलान आगरा है उत्तर प्रदेश में, ये अज़ला हिन्दुस्तान के हिस्से हैं। अभी हमारे साथी ने दूसरी इंडस्ट्रीज के बारे में जिक्र किया। दिल्ली में पॉल्यूशन पर सुप्रीम कोर्ट के फैसले पर किसी तरह कोई नुकताचीनी की मेरी मंशा नहीं है। लेकिन यहां की चलने वाली टैक्सियाँ और गाड़ियाँ खुद भी एक इंडस्ट्री है। अगर इसके धुएँ के पॉल्यूशन को रोकने की बात चलेगी तो यहां सड़कों पर गाड़ियाँ नहीं चल सकतीं। इसमें कोई शक नहीं कि दिल्ली में पॉल्यूशन बहुत है। लेकिन अगर हम कभी कानपुर चले जायें जो कभी हिन्दुस्तान का मानचेस्टर कहलाता था उसकी तरफ नजर ले जायें, हम अगर आगरा चले जायें तो रिफाइनरी तो बन्द नहीं हो सकी लेकिन ताजमहल के करीब जितने छोटे कारखाने थे, जिनसे गरीब पलता था हजारों की तादाद में, उनको बन्द कर दिया गया और एक नया दरवाजा यह खुलेगा। हिन्दुस्तान के बहुत से बड़े शहरों की सुप्रीम कोर्ट के इस फैसले के बाद, जिसका बेनिफिट लेंगे खुद मिल-मालिकान। उत्तर प्रदेश में बहुत सी फैक्ट्रीज बन्द हैं मिसाल के तौर पर। क्योंकि मैं वहां लेबर मिनिस्टर रहा हूँ लिहाजा इस समस्या को ज्यादा बेहतर तरीके से जानता हूँ। कानपुर में बहुत से कारखानेदार चाहते हैं कि इन फैक्ट्रीज को बेचने की इजाजत दे दी जाये। उनकी मंशा यह नहीं है कि वहां का लोहा बेच दिया जाये बल्कि उनकी मंशा है कि वहां की जमीन को बेच दिया जाये। इसी तरह से खुद रामपुर में कई फैक्ट्रीज बन्द हैं। उनके मालिकान चाहते हैं, बी०एफ०आई०आर० के पास मामला है लेकिन मालिक की पहुंच मजदूर से कहीं ज्यादा होती है। बहुत से

मालिकान उसे बेचने का आदेश ले जाये हैं और मजदूर सुप्रीम कोर्ट से स्टे लिये हुये हैं। यह समस्या बड़ी गम्भीरता से तय करनी है। यह बात तो कबैनन अपफोस की है कि सिर्फ एक दिन का वक्त है और आज मंत्री महोदय ने इसे सदन के समक्ष रखा। इस एक दिन में कौन सा बड़ा इंकलाब पैदा हो जायेगा, मैं इसे नहीं मान सकूंगा। लेकिन सदन इसे बड़ी संदीजगी से ले कि अगर सुप्रीम कोर्ट का यह फैसला लागू हो गया और इसमें कोई रास्ता नहीं निकला तो सिर्फ दिल्ली के कारखाने ही नहीं, दिल्ली के मजदूर ही नहीं बल्कि हिन्दुस्तान में रहने वाले करोड़ों मजदूर ऐसे होंगे जो अपनी रोजियों से भी महकूम हो जायेंगे। मिल-मालिकान जब सरकार से जमीन लेता है तो जहां तक उसकी नजर जाती है, किसी ऊंचाई पर खड़े होकर वह उस ऊंचाई से चारों तरफ जहां तक देखता है नजर, वहां तक चली जाती है। हमारे यहां एक टैक्सटाइल मिल है जो एक जमाने से बन्द पड़ा है। वहां अगर आप निकल जायें तो पैदल चलने के लिए कम से कम दो दिन चाहिये उसके खेत गिनने के लिए वहां कालोनियां कम हैं जमीन ज्यादा है। फैक्ट्री बहुत बड़े इलाके में लगी है। हमारे जहां मोदीज आये हैं। बहुत छोटी सी जगह में सारा काम हो जाता है। मजदूर की जरूरत नहीं है। उनकी फैक्ट्री तो लगी है इस कमरे से भी छोटी जगह में लेकिन जमीन ली है उन्होंने आधे शहर के बराबर। ये जमीनें शायद उन्होंने इसीलिए ले रखी हैं कि आने वाली नस्लों की अय्याशी का इंतजाम कर सकें और जिस तरह आज मिल-मालिकान उन जमीनों को बेचने की तरफ नजर लगाये हुए हैं कि सरकार आयेगी, कोई अदालत का फैसला हो जाये, या सरकार का फैसला हो जाये, पॉलिटिकल प्रोटेक्शन मिल जायेगा जैसा कि आजकल हम देते हैं, आजकल ज्यादा फैशन हो गया है कि पॉलिटिकल प्रोटेक्शन भी मिल जाये ... ।

तो जमीनों को बेचने की सहूलियत हो जाएगी। यह जो सुप्रीम कोर्ट का फैसला हुआ है अगर देश के दूसरे कारखानेदारों ने भी इसको अपना उसूल बना दिया तो सिर्फ फैक्ट्रियां नहीं बल्कि वह जमीन जो बिल्कुल नामीनल रेट पर सरकारें दिया करती हैं और आज उनकी कीमतें बहुत ज्यादा हैं फैक्ट्रियां जो कभी शहरों से बाहर थी, 20, 25, 50 साल पहले, वे आज शहरों के अंदर हैं, उनके दाम बहुत ज्यादा हैं। अगर उन फैक्ट्रीज को और उन जमीनों को बेच दिया गया तो यह मालिकान का बहुत भला होगा लेकिन नेशनल लास होगा। इसमें मैं एक रेक्वेस्ट करना चाहूंगा कि अगर खुदानाखास्ता बहुत मजबूरी हो क्योंकि सुप्रीम कोर्ट के फैसले को लागू

करना ही पड़ता है और कम्पनसेशन की बात आती है तो सरकार की यह जिम्मेदारी होती है—क्योंकि सरकार ने मजदूरों के इस मुकदमे को ईमानदारी और मजबूती से अदालत में नहीं लड़ा है, चुनावों जब हम कम्पनसेशन की बात करते हैं, आंध्र प्रदेश में तूफान आये उसमें हम ईसानियत की बात करते हैं, पंडिचेरी में तूफान आए उसमें हम ईसानियत की बात करते हैं, लेकिन जहाँ ईसान की जिंदगी या ईसान के पेट का नुकसान होता है, हमने अच्छी तरह देखा है कि जब मजदूर की पेट की रोटी खत्म हो जाती है तो वह खुदकुशी कर लेता है। अपने बच्चों के साथ खुदकुशी कर लेता है। पूरे के पूरे खानदान खत्म हो जाते हैं। सरकार की यह भी जिम्मेदारी है कि ऐसे मजदूर जिन्हें सुप्रीम कोर्ट कम्पनसेशन देने की बात कर रहा है, सरकार उन्हें अपनी तरफ से भी अलग से कम्पनसेशन देने की व्यवस्था करे, इसमें ऐसा प्रावधान होना चाहिए। दूसरा, इन जमीनों को जो मालिकान बेचेंगे, उनको अगर पैसा वापस करने की जरूरत हो तो उन्हें वह कीमत वापस की जाए जिस कीमत पर उन्होंने सरकार से जमीन खरीदी थी। बाकी धन मिल-मालिकान के पास जाने के बजाए सरकारी खजाने में जाना चाहिए या मजदूरों की जेब में जाना चाहिए। बहुत बहुत शुक्रिया।

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Shri Vayalar Ravi.

SHRI VAYALAR RAVI (KERALA): Sir, first of all, I am very much upset to say that the Government and the hon. Minister choose to bring this issue at the last minute of the day. Of course, para 2 very clearly expresses your helplessness because para 2 very clearly says: 'According to the information received from the Government of NCT of Delhi the industries have so far not shown any inclination for re-location.' It means, the Supreme Court order is being used for the benefit of the real estate people in the capital because they got an opportunity to close down the factories and sell the land at a higher price, as already pointed out by Mr. Dasgupta. Shri Pranab Mukherjee has rightly said and your references show that it is purely an administrative matter of NCT of Delhi and they said, they did nothing so far. Unfortunately, Sir, the order has come from the Supreme Court either to evict

or to close the factories and compensation to be paid according to Section 25(F)(b). There is nothing new. It is their Provident Fund and Gratuity, or whatever it may be. And also they said that one year's compensation should be paid. The trade unions have become very irrelevant. They do not take into account what trade unions are doing. The Supreme Court is taking up such matters concerning pollution. Now, there is another order coming from the Supreme Court regarding eviction of 4 lakh people living in jhuggis. You have to shift them from Delhi to somewhere else. Sir, clearing of Delhi is made, but for whom? My basic question is, who complained about the pollution? It is the elite who want to live in comfort. Poor people are dying with Dengue fever; they are not worried about the pollution. The 30,000 poor people who are working in factories are not worried about the pollution. The four lakh people who the Supreme Court directed to be evicted are not worried about the pollution. It is the people who have the money, who can go to Taj Mahal or lawyers or members of Parliament or MLAs and other people including judges of all judicial process. Sir, this nation is not meant for an elite class. This nation is a nation for the poor people.

SHRI RAMACHANDRAN PILLAI (KERALA): Poor people must live in the country.

SHRI VAYALAR RAVI (KERALA): Poor people must live in this country and 30,000 people means 30,000 families. Sir, for your kind information I would like to say that Justice Krishna Iyar told me last week that he wrote to some of his friends, in the judiciary, stating that when you give this kind of judgement regarding closing down of factories you should see that the workers shall not lose their job. Today, what is the guarantee for a job? I want the hon. Minister to tell us what the guarantee for a job is. I request that the hon. Minister may kindly bring an ordinance so that selling of this land can

be prohibited. The law should provide that the land shall not be sold to the elite. There should be some such provision in order to prevent these owners from selling their land and making money.

Why did you not come up with an Ordinance? Of course, the House is in Session. Therefore, you cannot bring forward an Ordinance. I know that. But I would like to know as to what steps you are going to take, what concrete steps you are going to take, to protect these workers and to prevent these moneyed people from selling their land and making more money.

Sir, I do not want to criticise. But in a nutshell, what is this judgment? What would be the result of this judgment? This judgment would result in unemployment of 30,000 workers. Secondly, who are the persons who are happy about it? The people who are happy are the industrialists. They can close down their industries. They can sell the land and they can have another factory somewhere. These workers can be retrenched and they can recruit new people at lower wages. Instead of paying high wages, they can just pay the minimum wage. This would only benefit the industrialists. Again, in the name of cleaning up Delhi, four lakh people would be evicted. Now, 30,000 workers have been thrown out.

I am not going into the technicalities. The executive authority in this case, the Delhi Administration, the Delhi Government—as was stated by Mr. Pranab Mukherjee—did not move. Therefore, it is your duty to move in this matter. You should use your authority and come up with a law. I think even if you come up with an Ordinance, the House can give permission to it.

The point is : 30th is the last date. There are only two days before you. I am not saying this with a view to criticising the Minister. I am only appealing to him. Going by the Constitution, he should come up with a law on this in order to

protect the workers, in order to protect the interests of these workers. You should also be ready with measures to protect another four lakh people who may face eviction as a result of the Supreme Court's order. You should not come at the last minute.

In conclusion, I would request the hon. Minister to take immediate steps—only two days are left—with a view to protecting the interests of 30,000 workers.

**THE VICE-CHAIRMAN (SHRI SATISH AGARWAL):** Before I call upon Mr. Kohli, I would like to know from the hon. Minister as to what is the date of the Supreme Court's order.

**SHRI VAYALAR RAVI:** Thirtieth November is the last date.

**THE VICE-CHAIRMAN (SHRI SATISH AGARWAL):** What is the date of the Supreme Court's order?

**SHRI PRANAB MUKHERJEE:** The date of judgment.

**THE VICE-CHAIRMAN (SHRI SATISH AGARWAL):** What is the date of direction given by the Supreme Court?

**SHRI BALWANT SINGH RAMOOWALIA:** It is 8th July.

**THE VICE-CHAIRMAN (SHRI SATISH AGARWAL):** Mr. Minister, you have said in your statement: 'In the wake of directions of the hon. Supreme Court in the interlocutory Application No. 22 in Writ Petition (c) No. 4677 of 1985, 168 industries listed as hazardous/noxious/heavy/large industries are to be closed down on the midnight of 30th November, 1996. Subsequently, by another order, the hon. Supreme Court has directed a further 513 units to be closed with effect from 31.3.1997'. The order dated 8.7.96 refers to the National Capital Regional Planning Board. I would like to know as to what is the date of the Supreme Court judgment regarding 168 industries and the date of another order regarding 168 industries and the



date of another order regarding 513 industries. When was the order passed?

SHRI BALWANT SINGH RAMOOWALIA: I will give it in my reply.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): It is not a question of giving it in your reply. The point made by Mr. Vayalar Ravi is that why should the Government come more or less on the last day. Thirtieth November is the deadline. You have come just two days before.

SHRI VAYALAR RAVI: I would like to know from the hon. Minister as to why he did not bring forward an Ordinance before the Session.

SHRI BALWANT SINGH RAMOOWALIA: I will reply.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): It is not a question of replying. It is a question of information. Unnecessary arguments would not be there on this point. You should have the dates with you. That is the basic question.

SHRI PRANAB MUKHERJEE: Do you have the dates with you, Mr. Minister?

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Ramoowalia, in the order dated 8th July, the National Capital Regional Planning Board has been directed. This is a subsequent order.

SHRI PRANAB MUKHERJEE: The judgment must be before that.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): It is in relation to the interlocutory application. The point is: when were the directions given for the first time in regard to 168 industries? Subsequently, when was the direction given in respect of 513 industries? What are these dates? These dates are very relevant.

SHRI VAYALAR RAVI : This only shows inaction on the part of the Government.

SHRI BALAWANT SINGH RAMOOWALIA: I will give you the dates.

SHRI VAYALAR RAVI: Your officers are sitting in the gallery. You can get the information from them.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): I can only take the horse to the pond, but not make it drink. Anyway, Mr. Kohli, please.

....(Interruptions)...

SHRI BALWANT SINGH RAMOOWALIA: In the same order of 8th July, 1996, in the same order...

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): But in your statement, you have said: 'Subsequently, by another order...' This order is in regard to the closure of 513 industries. But there must be an earlier order in regard to the closure of 168 industries.

SHRI PRANAB MUKHERJEE: Sir, I think there is some confusion, because it can't be just one date. If it is 8th July, subsequently there must be another date or there should be one date prior to 8th July 1996. We are asking for the date of the first judgement and the date of the subsequent order. These must be of different dates. It can't be the same date. Then why has the word "subsequent" been used?

SHRI BALWANT SINGH RAMOOWALIA: I will inform you shortly.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Okay, okay.

श्री ओम प्रकाश कोहली (दिल्ली): उपसभाध्यक्ष महोदय, दिल्ली में करीब एक लाख लघु औद्योगिक इकाइयां हैं। उनमें लगभग 10 लाख मजदूर काम करते हैं। सर्वोच्च न्यायलय ने जो आदेश दिए हैं उन आदेशों से तत्काल 681 इकाइयां प्रभावित होती हैं लेकिन सर्वोच्च न्यायलय के आदेश के कारण सभी एक लाख लघु औद्योगिक इकाइयां और... (व्यवधान)

SHRI BALWANT SINGH RAMOOWALIA: Sir, for 168 industries

if was 8th July 1996, and for 513 industries they were 6th September and 10th October.

**SHRI GURUDAS DAS GUPTA:** Then what has the Government been doing all these days?

**SHRI PRANAB MUKHERJEE:** That is another story.

...(Interruptions)

**THE VICE-CHAIRMAN (SHRI SATISH AGARWAL):** It is a valid objection raised by Mr. Gurudas Das Gupta.

**SHRI GURUDAS DAS GUPTA:** Sir, 30th November is the last date. We are left with only one day. Why has the whole thing been messed up like this? That is the only question we can ask.

**THE VICE-CHARIMAN (SHRI SATISH AGARWAL):** Yes, Mr. Kohli.

**श्री ओम प्रकाश कोहली:** उपसभाध्यक्ष महोदय, मैं यह कह रहा था कि सर्वोच्च न्यायालय ने जो आदेश दिए हैं यद्यपि उनसे तत्काल, तुरंत 681 औद्योगिक इकाइयां प्रभावित हो रही हैं लेकिन इन आदेशों के कारण सभी एक लाख औद्योगिक इकाइयों में काम करने वाले 10 लाख मजदूरों में एक पैन्क व्याप्त हो गयी है। उनको अपना भविष्य बहुत अनिश्चित दिखाई पड़ रहा है। इसलिए इस मामले में केन्द्र सरकार को दिल्ली सरकार को सहयोग देते हुए समस्या का कोई तर्कसंगत समाधान निकालने का प्रयत्न करना चाहिए।

मैं मंत्री महोदय से यह जानना चाहूंगा कि जो 681 उद्योग स्थानांतरित किए जाने हैं—168 और 513, ऐसे 681 उद्योग—इनमें से कितने उद्योग ऐसे हैं जो रीलोकेशन के लिए इच्छुक हैं और कितने उद्योग ऐसे हैं जो रीलोकेशन के इच्छुक नहीं हैं, तैयार नहीं हैं। इस संबंध में मंत्री महोदय के पास कोई आंकड़े हों, जानकारी हो तो वह जानकारी हम चाहेंगे। दूसरी जानकारी मैं मंत्री महोदय से यह जानना चाहता हूँ कि सर्वोच्च न्यायालय ने अपने आदेश में नेशनल कैपिटल रीजनल प्लानिंग बोर्ड को डाइरेक्शन दिया था कि वे इन इंडस्ट्रीज के रीलोकेशन में सब प्रकार का असिस्टेंस और सहायता दें। नेशनल कैपिटल रीजनल प्लानिंग बोर्ड ने इंडस्ट्रीज के रीलोकेशन के लिए स्पेसिफिक क्या-क्या असिस्टेंस दिया है, क्या-क्या कदम उठाए हैं और इन इंडस्ट्रीज के रीलोकेशन के लिए

अब तक नेशनल कैपिटल प्लानिंग बोर्ड की कुल परफार्मेंस क्या रही है, उसके द्वारा उठाए गए कदमों की मैं जानकारी चाहूंगा। तीसरी बात, मैं मंत्री महोदय से जानना चाहता हूँ कि जो कोर्ट का आर्डर है वह तो 30 नवम्बर को लागू होने वाला है और दूसरे केस में 31 जनवरी को लागू होने वाला है, समय तो बिल्कुल है ही नहीं और इंडस्ट्रीज को अगर रीलोकेट करना है, दिल्ली में रीलोकेट करना है या दिल्ली से बाहर रीलोकेट करना है तो वह रीलोकेशन कितना ही आप एक्सपेडाइट करें इसमें कुछ न कुछ तो समय लगने वाला है, एक रीजनेबल टाइम पीरियड तो इस पूरे प्रोसेस में लगने वाला है। इसलिए क्या केन्द्र सरकार गंभीरता से सर्वोच्च न्यायालय से यह रिक्वेस्ट करने का इरादा रखती है या रिक्वेस्ट करने वाली है कि वह कम से कम अपनी इन तिथियों को फिलहाल और आगे ले जाए जिससे कि रीलोकेशन के पूरे सवाल पर विचार करने के लिए समय मिल सके क्योंकि रीलोकेशन को कितना ही हम एक्सपेडाइट करें, कितना ही तेज करें मैं समझता हूँ कि रीलोकेशन में एक रीजनेबल समय लगने वाला है और चूंकि कोर्ट के आदेश तत्काल प्रभावी होने वाले हैं...

5.00 मं० पं०

इसलिए क्या केन्द्र सरकार तत्काल ऐसा कोई कदम उठाने जा रही है जिससे वह सर्वोच्च न्यायालय से अपने आदेश को रिव्यू करने और जो री-लोकेशन की तिथियां दी गई हैं या जो क्लोजर की तिथियां दी गई हैं उनको पोस्टपोन करने के लिए कहे। उपसभाध्यक्ष महोदय, मैं यह भी निवेदन करना चाहता हूँ और पूछना चाहता हूँ मंत्री महोदय से कि जब इन इंडस्ट्रीज के री-लोकेशन की बात कही जाती है तो सरकार की मंशा उनकी दिल्ली में ही री-लोकेट करने की है या दिल्ली से बाहर री-लोकेट करने की है? अगर इनको दिल्ली में ही री-लोकेट करने की बात है तो उस सिलसिले में केन्द्र सरकार और दिल्ली सरकार के बीच क्या तालमेल चल रहा है? केन्द्र सरकार ने दिल्ली सरकार को क्या सहायता की है लैण्ड एक्वायर करने में, लैण्ड का प्रोज़ेशन मिलाने में और जो आवश्यक कार्यवाही की जानी है उस सिलसिले में क्या किया जा रहा है? मेरा यह निवेदन है कि यह जो इंडस्ट्रीज री-लोकेट की जाएं इनको यथासंभव दिल्ली में ही री-लोकेट किया जाए। दिल्ली से बाहर अन्य राज्यों में इनको री-लोकेट करने से अनेक प्रकार की दिक्कत पैदा होंगी। श्रमिकों के लिए भी, औद्योगिकों के लिए भी और इसमें अनेक प्रकार की उलझने हैं। इसलिए स्पष्ट नीति होनी चाहिए कि हम दिल्ली में ही इनको री-लोकेट करेंगे

और दिल्ली में ईन्की री-लोकेशन के बारे में केन्द्र सरकार दिल्ली सरकार को सभी प्रकार की आवश्यक सहायता दे।

उपसभाध्यक्ष महोदय, दिल्ली में इंडस्ट्रीज़ बहुत से नॉन कनफॉर्मिंग एरिया में भी एस्टेब्लिश हो गई हैं, स्थापित हुई हैं और नॉनलकनॉर्मिंग एरिया में ये जो इंडस्ट्रीज़ हैं इनके बारे में अदालत ने यह रुख लिया है कि ये नॉन-कनफॉर्मिंग एरिया में हैं इसलिए इनको हटना चाहिए। लेकिन ये नॉन-कनफॉर्मिंग एरियाज़ में एक दिन में तो एस्टेब्लिश नहीं हो गई, लगातार एस्टेब्लिश होती रहें, वर्षों से स्थापित होती रहें और आज ये दिल्ली की ज़िन्दगी का एक हिस्सा बन गई हैं और इनको एक झटके से हटाने की बात कहीं जाए यह एक व्यवहारिक और मानवीय दृष्टिकोण प्रतीत नहीं होता। मुझे लगता है इसमें से आवश्यकता पैदा होती है दिल्ली के मास्टर प्लान में संशोधन करने की और क्या केन्द्र सरकार दिल्ली के मास्टर प्लान में बदली हुई परिस्थितियों को मद्देनज़र रखते हुए और जो रिप्लेटोज़ इस समय प्रिवेल करती हैं उसको मद्देनज़र रखते हुए संशोधन का कोई इरादा रखती है या नहीं रखती है?

उपसभाध्यक्ष महोदय, मैं केन्द्र सरकार से यह भी जानना चाहता हूँ कि क्या वह दिल्ली में नए औद्योगिक क्षेत्रों की स्थापना के लिए दिल्ली सरकार को किसी प्रकार का सहयोग देने वाली है या नहीं? एक बात मैं यह भी जानना चाहूँगा... (व्यवधान)

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Kohli, just a minute. Wait for a minute.

I want to have the sense of the House whether we should continue till this subject is over.

SHRI JOHN F. FERNANDES: Yes.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Okay. Thank you.

आप जल्दी खत्म कीजिए। बहुत ज्यादा बातें पूछेंगे तो उससे कम उत्तर मिलेंगे।

श्री ओम प्रकाश कोहली: ठीक है। उपसभाध्यक्ष महोदय, मैं यह जानना चाहता हूँ कि दिल्ली में नए औद्योगिक क्षेत्र जिनको कनफॉर्मिंग एरिया डिक्लेयर किया जाए उनकी आने वाले दिनों में स्थापना के लिए और पब्लिक प्लानिंग के लिए सरकार की कोई योजना है या नहीं? यदि है, तो उसका उल्लेख किया जाए? एक मैं इस बात का उत्तर चाहता हूँ कि अभी तक दिल्ली

सरकार ने सर्वोच्च न्यायालय के आदेश के बाद क्या कदम उठाए हैं, उन कदमों को लागू करने के लिए उन्होंने केन्द्र से क्या सहायता मांगी है और केन्द्र ने दिल्ली सरकार की किस रूप में सहायता की है ताकि इस समस्या का समाधान हो सके?

धन्यवाद।

SHRI JOHN F. FERNANDES (Goa): Sir, I think the appropriate Ministry would have been the Ministry of Environment. This is a public interest litigation on the destruction of the environment of Delhi. It is a question of the livelihood of 30,000 people against the health of 100 lakh people of this Territory. This judgement is not a tandem from the blue. This litigation was going on for the last eleven years because the Special Leave Petition was filed in 1985. I do not know what contingency plan the Government has prepared for this. I think the Government of India was also a party before the hon. Supreme Court.

The Government is now telling us in the third para that it is exploring the possibility. Just two days are remaining, and it is still exploring the possibility. There is no direction given by this Government. After all, it is a Union Territory. The National Capital Territory is under the Home Ministry, the Union Government. So, I think, the Government was caught napping.

Who is the enforcing authority to enforce this order of the hon. Supreme Court. I think it is going to be the Home Ministry, the Government of India. If any consequence arises out of it, I think the music has to be faced by the Government itself. So, I think the Government was caught napping. In 1987, I had raised a question in this House that the main pollutant causing pollution is the Government. If You go to the trans-Yamuna area, you would find a thermal power plant. We can see the smoke being released into the atmosphere. I asked a question of the Government, "Why couldn't you convert

these fumes into dry ice which cleans the pollution"? I think the hon. Supreme Court is not against industry. The hon. Supreme Court is against pollution. Pollution is possible only when the law enforcing agencies don't implement the rules. We have the rules in the book. No industry which would create pollution can be permitted anywhere in the country because the rules are very clear. When the rules are violated, who is to be blamed? Only the Government has to be blamed. I don't think that we can blame the judiciary for judicial activism because the Government is totally immune to what is happening around us.

We have amended the Motor Vehicles Act, 1989 and the main clause is checking of emission of smoke. The Government gave a reply that they would implement it later on. The Standing Committee has implemented it. I don't think the Government has any seriousness. We are talking about shifting of 30,000 people. I am told that there are about 60,000 to 70,000 three-wheeler auto rickshaws. Those would be put off the road. Why should they be put off the road? Because the technology is obsolete. They are still adding kerosene oil to the petrol. Not only that, there is no check and control by the Government. We buy petrol at Rs. 20 per litre. The industrial kerosene which is white is available at Rs. 6 per litre; and the domestic PDS kerosene is Rs. 2.70 per litre. Now, there are some bogus industries which are buying industrial kerosene at the rate of Rs. 6 per litre. They buy it at the depot. This industry adulterates petrol with kerosene which is being sold at Rs. 20 per litre. This is happening everywhere. This is happening outside the petroleum depot of the IOC. So, the Government is sleeping. If you can avoid petrol being adulterated with kerosene and diesel being adulterated with kerosene, I do not think that there would be so much pollution. I am talking about auto-rickshaws. About 70,000 auto-rickshaws would be off the road. Then again the Government would

face the same problem. So, the Government is not going to change the technology in this country. We are continuing with the same obsolete technology of 1947 or 1950's. The Government has no policy before it. Sir, we are now talking of the well being of these people. May I know from the Minister whether the Government has any contingency plan for the next eviction. The hon. Supreme Court has given two judgements. Now we have known that the Government was caught napping. They came to us just two days before the expiry of the deadline. There is one more order given by the hon. Supreme Court to evict 513 polluting industries and the last date mentioned by the Minister is 31st January, 1997. I would like to know from the Minister whether he has drawn any contingency plan to tackle it. What would be the revenue loss to the Delhi Government on account of shifting of these industries? I fully agree with my hon. colleague. I do not want to attribute any motives to the judgement of the hon. Supreme Court. But the Government of India should step in and should not allow real estate touts to take over the land. I think there should be some law passed by the Parliament when it is in session and the Government should be a protector of these properties until the dispute is settled with the workmen. It is time that the Central Government went before the hon. Supreme Court with a review on petition. I don't think that they are going to implement it. They can't enforce it. They can't request the Delhi Government to enforce it. They are the people who have to enforce it. I was directing this submission to the hon. Home Minister who was sitting here a little while ago. Now he has disappeared. It is the Home Minister's problem. I do not know what the contingency plan is. I hope that the hon. Minister would reply to my points.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): You seemed right.

Shri Ramachandran Pillai. Please be brief.

**SHRI RAMACHANDRAN PILLAI:** Mr Vice-Chairman, Sir, I am glad that the hon. Minister has brought this matter before us. This has given us an opportunity. The statement reveals that the case was filed in the year 1985, it had been pending in the Court for the last 11 years and the judgment was passed on 8.7.1996. In one order, the hon. Supreme Court said that 168 industries listed as hazardous, noxious, heavy and large industries were to be closed down by the mid-night of 30th November, 1996. A subsequent order said that another 513 units should be closed down with effect from 31.1.1997. Now, only two days are left for 30th November, 1996. Now, the proposal of the Government is this. While the Government is fully conscious of the need for pollution-free environment and planned development and fully respects the judgment of the hon. Supreme Court in the matter of closure of such industries, the hon. Court could also be requested to allow some more time for closure and re-location of the industries in question. I want to know, with just two days left, how the Government is proceeding to safeguard the interests of the workers who are thrown out, not because of their fault but because of the fault of the Government. Of course, this matter has thrown up a lot of issues—philosophical issues, basic issues, Constitutional issues and legal issues. I do not want to go into those details now. But I do want to say that the perception of my hon. friend, Mr Vayalar Ravi, that pollution is for the elite class is incorrect. Actually, the poorer sections of the community who are an overwhelming majority want unpolluted water, unpolluted air. The elite classes, because of their richness, because of their resources, can find their own means to be free from these pollutions by constructing air conditioned houses and all that. It is the poorer sections who need these laws to be implemented.

**SHRI VAYALAR RAVI:** Priority.

**SHRI GURUDAS DAS GUPTA:** How many workers are suffering? (*Interruptions*).

**SHRI RAMACHANDRAN PILLAI:** We have got enough laws. Of course, there may be flaws in certain laws. I will come to that later. There are many laws. But they are not implemented. The rich sections are allowed to go scot-free. The administrative machinery has taken no action. So, Delhi has become the most polluted city in the world. Not only Delhi, many of our cities are polluted cities. Our rivers, our tourist centres, are polluted. So, we are becoming the most polluted country in the world. We know, in the present society, a small, narrow, section wants to over-exploit the society. They are not concerned about the future. The poorer sections are concerned about the future. So, to protect the interests of the poor, these laws should be strictly implemented. I want to know from the hon. Minister, in the context of the failure in implementing all these laws, how the Government is now thinking of implementing these laws with all sincerity and with all boldness.

Another aspect is, there are many flaws in the laws. I also want to know how the Government is going to tackle these flaws in the laws. Some of my hon. friends are angry with the decisions of the courts. I do not want to justify the decisions of the courts. But the thing is, if the executive does not discharge its responsibilities, if it does not act, naturally, it is the fundamental law of power that other forces will come and try to usurp. It is because of the inactivity, it is because of the failure, on the part of the executive that all these mistakes have occurred. So, the Government should take proper lessons from all these experiences and come forward to take bold decisions and implement all these laws.

**SHRI JIBON ROY (West Bengal):** Mr. Vice-Chairman, Sir, I thank you for permitting me to speak on this issue. I am

glad to know that the Government has decided to file a revision petition in the Supreme Court against the decision of the Supreme Court in this matter. But I would like to state that the review petition should be a comprehensive one. The Supreme Court has given a peculiar judgment in this case. Of course, I do not want to blame the Supreme Court. It has been the result of the way in which the case has been contested in the hon. Court. On the one hand, it has been stated in the judgment that relocation is not compulsory. In the matter of relocation, the word used is 'may', but on the other hand, in respect of the question of transferring a portion of the land to the industrialists, the word used is with 'care'. 32 per cent of the land can be taken over for use by the companies for their industries. They can take it where it is compulsory. But relocation is not necessary;

Secondly, when a factory is relocated, in that case the absorption of the existing employees is not compulsory. It has not been mentioned in the judgment. Therefore, in the review petition, which is going to be filed by the Government of India, it should be mentioned that relocation must be compulsory. The industries which will refuse to relocate, their properties should be attached.

Thirdly, all the employees should be taken back in the relocated industries. Therefore, the scope of the review petition should be made much wider.

All these years, the Government of India has been undermining the gravity of the situation. It has been mentioned there that so far, orders have been issued in respect of 822 industries. But so far as my information goes, the third order has already been issued involving 822 more industries. According to the Minister's statement, the judgment had come on 6/81. According to my information, one more order has been passed against 822 industries and the total number of industries comes to 1,500 involving about 2 lakhs workers. A case is being processed

against 39,000 more industries. If you take the entire problem into account, more than 60 per cent work force in Delhi is involved. Therefore, the situation is very serious and I find that there is no coordination between the State Government and the Central Government. There is no coordination among the various Ministries of the Government of India and the State Government. When the case was being heard, the name of the Ministry of Environment and Forests had been listed, the name of the Labour Ministry had been listed, the name of the Law Ministry had been listed and they had deposed separately before the hon. Court. There was no coordinated approach as to how to draw a balance between environment and industry. It was not there. So, this has been the position with regard to the Government of India also. This has been the position in respect of Delhi alone. Many High Courts are passing orders and wherever the State Governments are working effectively, they are able to find a way out. Therefore, the entire thing has to be looked into with much more seriousness and there should be coordination between the States and the Central Government. The inter-ministerial coordination should also be there. At the same time, I want that the hon.

Minister should assure the House that if the Supreme Court rejects the review petition, the Government of India will stand by the side of the workers.

Another important point that I want to raise before the House is that this judgment has warranted that we should reconsider the environmental laws which have been framed by us. We have simply copied the environmental laws which were prevalent in the United States of America. These laws have not been prepared in the Indian context. In the United States of America the level of pollution was much lower than what was in our country. In the matter of pollution, in the matter of environment, they were not given due consideration in the past. Therefore, there are two premises which

have got to be enquired. In the law also, there is no mention as to how to measure the environmental pollution. Who can judge that Delhi is polluted not because of the industries? Who can judge that Delhi is polluted not because of the transport?

Mr. Vice-Chairman, I am from the Durgapur industrial belt and the former Minister of Finance, who is sitting there, is from Birbhum near Santiniketan. The pollution level at Durgapur and the pollution level at Santiniketan, which is 100 kilometres away from Durgapur, is almost equal. It is the same. We should find out the measure of pollution also. Who will argue that only those industries are responsible and not the transport system? In Delhi the transport system is responsible for pollution. Can you withdraw the transport system in Delhi? Therefore, some phased manner of withdrawal should be there. There should not be overnight withdrawal. We may first take up the chemical industries which create more pollution. Side by side we can take a decision. Therefore, the entire thing should be reconsidered.

Lastly, Mr. Vice-Chairman, I want to argue one simple point. Environment is important. Why is it important? Because we consider life precious. Industry is also important. Industry feeds the people. Therefore, there should be a balance between the industry and the environment and in that context the entire policy should be reconsidered. Thank you.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Mr. Margabandu. I have no objection if everybody gets a chance. But be brief. If the speeches or the questions for clarifications are lengthy, you will not get the answers.

SHRI R. MARGABANDU (Tamil Nadu): So far as pollution is concerned, it is prevalent everywhere throughout India.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): We are not discussing pollution. The point is this. There is a Supreme Court order. There is a problem. He has made a statement. You can seek some clarifications. He is deputising for the Minister of Labour. He is not deputising for the Minister of Environment. You cannot direct all the questions and clarifications to Mr. Ramuwalla who is deputising for the Minister of Labour. As a matter of fact, it is not concerned with his Ministry.

SHRI R. MARGABANDU: it is only with reference to the Labour Ministry, Sir. On account of the order of the Supreme Court directing the closure of industries which are hazardous the workers will be affected. In spite of the warnings given by the Government as well as the other agencies the industrialists, who are indulging in these things, do not care for the directions of the Government and do not follow the rules and regulations. They allow things to go on. One such instance is the tannery pollution in Tamil Nadu. There is an order of the Supreme Court for closure with a direction that they should construct effluent treatment plants. They did not do it. They did not obey the order of the Court and even the District Pollution Control Boards did not take care of implementing these orders which would necessarily render workers unemployed. The Government alone is responsible. The Government has to implement the laws. If it carries out the provisions of the Act or the directions of the Supreme Court, these things could easily be avoided. Of course, on humanitarian grounds we can ask for some time for the closure. But at the same time the dangerous aspect of the hazardous industry should also be taken into consideration. The State Governments and the Central Government should be very vigilant in controlling these hazardous industries. Then only the safety of the human beings can be secured and the employment of workers could be safeguarded. Thank you.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Prof. Naunihal Singh, do you want to add something?

PROF. NAUNIHAL SINGH (Uttar Pradesh): I want to add only two points.

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): I have no objection. I will sit for another 10 minutes. I don't want to annoy any hon. Member.

PROF. NAUNIHAL SINGH: I want to mention only two points. Mr. Vice-Chairman, Sir, it is a very serious matter. The Government should form a very good policy on this matter because this is going to have serious repercussions on the whole country. I wish to mention a few points. Firstly, the date of implementation should be extended. This is one concrete suggestion. Secondly, the relocation should be within the State itself, within Delhi itself. They should not be thrown beyond the bounds of the Delhi State because it will itself have serious repercussions on the labour and also on the income of the State. Thirdly, the Centre should help the State to modify the Master-Plan. A practical solution will be, an industrial estate should be built up for these people by the Centre or by the State with financial help from the Centre so that these factories are relocated easily. It should not be left to industries. It would be time-consuming and labour would be affected.

An industrial estate should be built up by the Central Government. As you know so many industrial estates have been built up. I know some of them. It will really take care of all the problems. Lastly, the labour should be continued to be paid its salary, allowances and other amenities till the relocation and till they start functioning in the new situation. Thank you.

SHRI NILOTPAL BASU (West Bengal): Sir, as has been mentioned by my hon. friend, Shri Jibon Roy, the situation is very serious. It has really assumed an alarming proportion. We can have a quick fix decision. But unless a com-

prehensive view is placed before the House, the situation would really become very serious. I hope the hon. Minister would be able to throw some light on this. What is the thinking of the Government in this regard?

THE VICE-CHAIRMAN (SHRI SATISH AGARWAL): Let us see the light.

THE MINISTER OF WELFARE (SHRI BALWANT SINGH RAMOOWALIA):

Mr. Vice-Chairman, Sir, at the outset, with all sincerity and seriousness, let me inform the hon. Members that this Government is deeply concerned and very much worried about the situation which has engulfed all sections of the society. Sir, throughout my speech, which will be very brief, I will try my best not to defend anything just for the sake of defending. I am very open. It is very clear that all of us have been deeply shattered because of this decision of the hon. Supreme Court which is binding on everybody. We have to bow our heads before this decision. The situation is that not only 30,000 workers would suffer but very shortly the axe would fall on the 43,000 small-scale units involving 2,19,000 workers which are household units. I am very open. I don't want to hide anything. If I give any wrong information, it could be due to a human error.

I will tell this august House everything that has been brought to my knowledge. The point is that the hon. Members who participated in the debate, hon. Members, Shri Gurudas Das Gupta, Shri Pranab Mukherjee, Shri Vayalar Ravi, friends from the left parties and everybody else, expressed an opinion as if the Government was sleeping all the time doing nothing. But sometimes the efforts made are not acknowledged because the efforts have not brought any result. It is assumed that no effort was made. But efforts were made. We were not sitting idle. This is not correct. Meetings were held between the Government of India, the Chief Ministers and the Lt. Governor of Delhi. Various alternatives were ex-



plored. Meetings were held between the Chief Secretaries of Delhi, Punjab, Haryana and also the Himachal Pradesh Chambers of Commerce. We discussed alternatives. The re-location has to take place in UP, Rajasthan and Haryana. These Governments were also consulted. The point is that we failed in our sincere efforts to protect the interest of the workers. We could not give safeguards to the poverty-ridden people because the Supreme Court made it optional for the industrialists, and the employers to relocate the industry. It is not mandatory. This is the crux of the problem. We discussed this at various levels. The employer has been given the option. It is true that the price of land and real estate has increased manifolds. Every employer will think of making money by selling some part of the land at a very high price or at a favourable price. We are doing two, three things. We discussed the entire issue with the Attorney General of India and the Solicitor General of India on the 27th November, I mean, yesterday. The Solicitor General of India is expected to appear before the hon. Supreme Court and file a review petition. A joint affidavit by the Home Ministry and the Labour Ministry is also being filed before the High Court. I assure the House that the matter is being taken care of. Everything is not in the hands of the Government. The decision of the Supreme Court has given the employers independent authority. The interest of the working class cannot be protected easily.

Of course, history speaks that working class had to struggle for decades and centuries for their rights. Here again, the hon. Supreme Court has no intention to favour the employer. I have no doubt in the intentions of the hon. Supreme Court but the decision is such that it is favouring the employer. The result is in favour of that clause. So, Sir, what I want to say is, Government has taken care of all the suggestions which were made by the hon. learned Members of this great House for getting the period extended so that some other damage control measures could be

taken. Similarly, some hon. friend said that re-location should be within the boundaries of Delhi only. But we have to see whether the present area of the territory of Delhi is able to absorb this colossal problem or this big chunk of industries. Similarly, Sir, it is said that the Centre should give help to the State and a new industrial State should be built up. Some friend also asked as to what the contingency plan is before 31st January, 1997. Sir, hon. Members also said there are flaws in the laws, and how we should tackle them. These are all problems which this great nation has to confront. And I assure you, my Government will take all necessary measures with all force at its command and as I told you already the process is complete for appealing for a decision favouring the working class and to see that the decision does not harm the employees. Whatever can be done in this prevailing condition, we are doing it with utmost sincerity. So, Sir, let me be clear. We hope that when the facts and fall-outs of this decision are placed before the hon. Supreme Court, when the views of this Government, of the people of Delhi, of the lakhs of workers who were involved, whose bread is at stake, are placed before the hon. Supreme Court, the Supreme Court will certainly have a humanistic view on that issue.

SHRI VAYALAR RAVI: What about the sale of plants? Sale of plants shall not be allowed.

SHRI GURUDAS DAS GUPTA: There are many issues which are left unresolved, those cannot be solved now. But in an emergency a stay has to be taken by the Government. We are left only with one day. Tomorrow is a working day for the Supreme Court. Maybe, if the court gives a special permission, we can also move on a Saturday also. But let the Government take all steps to move the Supreme Court tomorrow and report back to this House as to what is happening because, Sir, it is not only his fault but it is also our fault

that we did not raise this issue earlier. It is true that the Government had been sleeping. I have also not been doing what should be done. Therefore, let the hon. Minister assure the House that by tomorrow a special review petition will be filed and this House will be informed about the outcome of the filing of the special review petition. That is the only thing we expect from him.

**SHRI VAYALAR RAVI:** Something more has to be done.

**SHRI GURUDAS DAS GUPTA:** Let us first get a stay. First of all, let us try to get a stay and secondly, let him file a review petition. Thirdly, let him call an all-party meeting and let him discuss with us and also with the Delhi Government.

We should be able to find out what we can do in the matter immediately. Otherwise, it will be a hell for the workers of the State of Delhi.

**श्री ओम प्रकाश कोहली:** मंत्री महोदय ने मास्टर प्लान में संशोधन के विषय में कोई टिप्पणी नहीं की है। मास्टर प्लान में संशोधन सरकार के अधिकार क्षेत्र में है। (व्यवधान)

**श्री गुरुदास दासगुप्त:** वह बाद में होगा। अभी इमीडियेट सवाल कर लीजिये। (व्यवधान)

**श्री मोहम्मद आज़म खान** (उत्तर प्रदेश): क्या सरकार रिव्यू पेटिशन में गई है? (व्यवधान)

**THE VICE-CHAIRMAN (SHRI SATISH AGARWAL):** Just a minute. Let there be order in the House...(interruptions)...**Mr. Minister,** what compelled you to come to the House? What assistance do you want from this House? What should this House do in the matter? It is for the Government to take appropriate steps on points raised by the hon. Members. In your statement, you have said, "...In the circumstances, we are exploring the possibility of advising the NCT of Delhi to approach the hon. Supreme Court to review their order in such a manner that shifting and relocation becomes an obligation rather than an option on the

part of the industries concerned..." You are still exploring the possibility!

**SHRI GURUDAS DAS GUPTA:** Sir, may I implore upon you to make a point?

Sir, there are many unanswered questions which are tormenting you and this House. The Government could be asked to clarify all those unresolved issues later on. Since we are left with only two days, let us get from the Government an assurance that it will file a Special Review Petition in the Supreme Court tomorrow and that it will also call an All-Party meeting. The Government should also assure us that it will discuss with the Delhi Government all concerned issues tomorrow itself so as to sort them out.

**SHRI BALWANT SINGH RAMOOWALIA:** Mr. Vice-Chairman, I would like to tell you that we have come before this august House to apprise it of the seriousness of the situation. We would like to tell the House about the fallout of the Supreme Court judgement on the poor workers and ultimately on the nation. We also want to tell the whole country through the Supreme Court that it is a matter of concern not only to the affected workers but also a matter of concern to the Government. That is why we came before this House. I have just discussed with the hon. Member, Shri Pranab Mukherjee. I will discuss the matter with a few other friends also. I will take into consideration the views expressed by various Members. I will also apprise the Prime Minister of the situation.

**श्री मोहम्मद आज़म खान:** इसमें तो लीगल स्टेप लिया जाना चाहिये (व्यवधान) पोलिटिकल डिसिज़न से कुछ नहीं होना है। (व्यवधान)

**SHRI BALWANT SINGH RAMOOWALIA:** We have already moved it before the Supreme Court.

**THE VICE-CHAIRMAN (SHRI SATISH AGARWAL):** You have already moved the Supreme Court!

SHRI BALWANT SINGH  
RAMOOWALIA: Yes, Sir.

THE VICE-CHAIRMAN (SHRI  
SATISH AGARWAL): When did you  
move it?

SHRI BALWANT SINGH  
RAMOOWALIA: Today, Sir.

श्री मोहम्मद आज़म खान: उसका क्या हुआ?  
steps.

SHRI GURUDAS DAS GUPTA: Let  
the Government come to this House at  
12.00 noon tomorrow.

THE VICE-CHAIRMAN (SHRI  
SATISH AGARWAL): How can I give a  
direction from the Chair? The matter is  
pending before the Supreme Court. If the  
Government has not filed an application  
before the Supreme Court, nothing could  
come out. The whole case fails. Then  
what do I do?

SHRI PRANAB MUKHERJEE: We  
cannot discuss when it is before the  
court.

THE VICE-CHAIRMAN (SHRI  
SATISH AGARWAL): Exactly. As a  
matter of fact, the *suo moto* statement at

the fag end was not necessary. They  
should have come early in July or  
August. Then, something could have  
been done. Anyway hon. Minister, do  
you want to say something? Will you be  
in a position to report to the House  
tomorrow at twelve? If there is  
something, you can again come to the  
House.

SHRI BALWANT SINGH  
RAMOOWALIA: Sir, I can only report  
if something happens in the court.

THE VICE-CHAIRMAN (SHRI  
SATISH AGARWAL): Otherwise, you  
face the music.

SHRI BALWANT SINGH  
RAMOOWALIA: I am already facing it.

THE VICE-CHAIRMAN (SHRI  
SATISH AGARWAL): Okay. Now  
there is nothing left in the business for  
today. I adjourn the House to meet  
tomorrow at 11.00 a.m.

The House then adjourned at  
forty-six minutes past five of the  
clock till eleven of the clock on  
Friday, the 29th November,  
1996.