

[Shri G. Swaminathan]

and that we will not have to pay any foreign exchange for its import? I would like this point to be clarified as to what he means by saying that these edible oils we are getting by way of aid. Do we have to pay for them or we don't have to pay for them?

SHRI G. S. DHILLON: I am sorry, Sir, we will not probably import more than the minimum needed. We have thought that if we do it that will affect prices and ultimately the farmer will be affected. That risk we do not want to take.

#### THE AIR (PREVENTION AND CONTROL OF POLLUTION AMENDMENT BILL, 1987—contd.

THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM): We shall now take up the Air (Prevention and Control of Pollution) Amendment Bill, 1987.

SHRI NIRMAL CHATTERJEE: Mr. Vice-Chairman, Sir, I am on a point of clarification. While I was speaking before lunch recess, I had to conclude rather hurriedly. At that time there were interruptions about a particular point, which I need to clarify. Kindly give me two minutes. This is in regard to the amendment which my friend, Shri Vishvjit Prithvijit Singh, was mentioning. Where no penalty has been provided, the original provision was a fine of Rs. 5,000 and after conviction, if he refuses to pay, Rs. 100 per day. The amendment now says that the fine of Rs. 5,000 would be Rs. 10,000 and Rs. 100 per day would become Rs. 5,000 per day. Additionally, because of suggestions in the House, they have provided for, as an alternative, a punishment of not less than three months. My only point was when everywhere it has been provided for a longer period of imprisonment when you are moving in that direction, why is it that this amendment is not in the direction of imposing imprisonment compulsorily and for a longer period. On this point,

I wanted to retain my position. Thank you.

SHRI VISHVJIT PRITHVIJIT SINGH (Maharashtra): Mr. Vice-Chairman, Sir, I rise to support the Bill. This is an extremely important measure which I am proud to support. The very nature of the measure becomes clear from the title. The Air (Prevention and Control of Pollution) Amendment Bill, 1987. In the statement of objects and reasons, it has been said—this point was made by the hon. Minister also a little while ago before lunch—that certain lacunae have been found, certain problems are there, certain things have been brought to the notice of the Government and to bring the Act more in consonance and more in line with the objectives for which the Act was framed originally, the amendments have been brought forward, thereby making it all-comprehensive and, therefore, in the eventual analysis, more effective.

Sir, my point, which I have been making time and time again in the House, is that whenever we bring forward amendments we ought to be very careful. One of our major problems, as I have been saying, is that we have the best of intentions but these best of intentions, by the time they get down and become an Act, by the time the rules are framed and by the time the rules are implemented, go awry. We find ourselves in all sorts of problems. The best of intentions are not implemented. Why are they not implemented? They are not implemented because of the lack of implementational will. It is there within our bureaucracy. It is this lack of implementational will which causes all problems and it is because of this that we have had to bring forward such sort of amendments. It is a totally-comprehensive redrafting of the Act. It amounts to a redrafting of the Act. It is a very good measure.

Having said his, I would now deal with the Act as it stands. I am going to refer to the sections as they stand in the Act now. The nomenclatures I

am going to use are of the original sections and not these newer ones. This is to show that it was quite obvious even then, when the original Act was framed, that there were certain problems and point out what we are doing now and how we are dealing with them.

The first section which we are amending is section 2. Here, we have introduced noise pollution. Noise will also be considered as pollution. I want to add only one thing here. When you are thinking in terms of noise pollution, are you going to leave it ambiguous as I can see it now, or, are you going to introduce a clear definition when you frame the rules? Are you going to lay down clearly as to what decibel of noise will be construed as pollution and what intensity of noise will be accepted as ordinary noise? I would like to have clarification on this point.

3.00 P. M.

It is good that now instead of the Central Board for Prevention of Water Pollution we are going to call it 'The Central Pollution Control Board'. This is purely a formal amendment because the same Board is going to administer both water and air pollution.

Again in clause 2 there is a definition of 'occupier'. I disagree with my friend Shri Nirmal Chatterjee when he says that this is to help anybody out. That is not so. On the contrary, this is to make more comprehensive. I would read out what has been said:

"occupier", in relation to any factory or premises, means the person who has control over the affairs of the factory or premises, and includes, in relation to any substance, the person in possession of the substance."

You will note that it is only in the case of a substance that it includes a person who is in 'control'. But in the case of a factory or premises it is a person who has control over the affairs of that factory or premises. A person who has control is a very wide

definition. It actually even brings in a majority of shareholders. It not only brings in the Managing Director, not only people like the chairman of the company, it also brings in a majority of shareholders because even they have control over the premises. It is a very wide definition. The definition has not been narrowed down. The problem is, do not read meaning into things which are there. The actual thing is the subsequent qualification in the latter half of the amendment, that is what has been taken up by the hon. Member. The fact is that the definition has been widened, the scope has been widened. So, the purpose of the Government in bringing forward this amendment is to widen the scope. There is the need to bring in everything and to make the provisions more stringent. This is a process of widening, bringing in people who at present because of ambiguity, because of vagueness, have been left out.

**SHRI NIRMAL CHATTERJEE:** I think you are not entirely correct. You will kindly excuse me. The person shown to be in control need not be the owner but somebody else. In the name of the person who has control over the affairs, you are allowing the owners to escape. Kindly reconsider your reading.

**SARDAR JAGJIT SINGH AURORA** (Punjab): May I say something on this? Actually in every case where there is a factory involved, the Board of Directors nominate a person whom they call the 'occupier' and he is responsible for it. The shareholders do not come into that because you cannot make all the directors to be responsible. So, he has to be nominated 'occupier' and he is normally a fairly senior responsible person. Due to his working in that factory he becomes an occupier. That does not mean that everyone else is 'occupier'.

**SHRI VISHVJIT PRITHVIJIT SINGH:** Sir, sections 3 and 4 have also been amended but these are purely formal amendments where the definition of the Board has been

changed to include air. The definition of the State Boards has also been amended to include air and thereby calling it now the Central Pollution Control Board and not the water or air pollution control Boards. It is now going to be called in a comprehensive manner "The Central Pollution Control Board." These are questions of nomenclature.

Section 5 of the principal Act has been amended and in this qualification has been given, who is going to be the member-secretary. A full definition of the qualifications of the member-secretaries has been given. "A full-time member secretary having such qualifications, knowledge and experience of scientific, engineering or management aspects of pollution control as may be prescribed to be appointed by the State Government." I would like to point out that in the original Act, section 5 said: "A full-time member-secretary having practical experience in respect of matters relating to environmental protection and having administrative experience, to be appointed by the State Government". This more or less limited it to an administrator, in other words to a member of the services. It limited the scope of appointment. The scope of appointment has now been broadened to bring in experts who really know about pollution and pollution control, environment and all that. So this has been widened by this definition.

In the amendment to section 7, there was a clause which said that the term of a member would be for not more than two terms; he could remain a member for two terms only. That limitation has been removed. Sometimes we find the right person for the right job. If we find a right person for the right job, let him get along with it and work as long as he is required, with no limitation prescribed. This, again, is a kind of Catch 22 situation which is created. I do not know where these clauses come in. Last time when the Act was

formulated, God knows how these clauses came in this with all kinds of qualifications and all kinds of limitations which destroy the intention of the Government. If our intention is to appoint a member who knows about the subject, why should we then put limitations on him? I think this is an excellent thing that we have got rid of this particular limitation.

Now I would deal with section 14 of the principal Act. This primarily deals with the extension of the functions of the member-secretary. The functions of the member-secretary are defined in the Act and he is not supposed to do anything beyond those functions, go beyond the purview of the functions which are defined and clearly laid down in the Act. But occasions can arise when it is required that the member-secretary should do certain things which are beyond the scope of his normal functions. The Board may want him to take up certain individual cases and follow them through to some logical conclusions, or the Board may be otherwise occupied in certain other things and may want him to do certain things. Therefore a provision has been made for certain extra powers which can be delegated to the member-secretary. And I congratulate the hon. Minister that those powers have not been defined. This is a good thing, because now actually the Board itself can decide what it wants to delegate and what it does not want to delegate. At a given moment of time it can delegate powers to the member-secretary which will be beyond the purview of the definition already given. Therefore he can then act on behalf of the Board, functioning independently.

Section 18 has been renumbered and greatly extended. This is a very very important section. It has now become extremely comprehensive and I find this is one section which is going to come into lot of heavy weather in this House purely because of the fact that every single Member of the Opposition is greatly excited over

this. We were talking in the lobby and again the same thing was being said: "Each time the Central Government is taking over the powers of the State Government." Now here we have a position where we have said that the Central Board may take over the powers of the State Board and subsequent to that recover the expenses so incurred from the person or persons who are found guilty and recover that amount as arrears of land revenue. Plus the definition of the area is also extended. There are all kinds of saving clauses like, if the Central Government occupies a particular area and says, "we are going to take over this function", it does not mean that all the functions of the Board are superseded. The Board can then act independently in other areas without reference to the Central Government. It does not mean all the powers of the Board are to be taken over. This itself should have given the clue to Prof. Chatterjee as to what the Central Government is talking about. What they actually mean is, supposing there is a border—a particular junction point, where three or four States are involved—and there is an industry being put up in one State. As a Member—whom I am going to quote—said it to me—he is going to say it; he has not said it as yet; he said it to me in the lobby—pollution knows no boundaries, knows no barriers. Therefore, we find that if a factory is put up—and it is a revenue-bearing industry for that particular State—and maybe because of wind direction or, maybe because, as you know, sometimes there is a valley and there is a constant wind blowing down the valley—and the wind takes the pollution away to the neighbouring States and that State is irresponsible enough not wanting to do anything about it because they are earning revenue—I am giving a purely hypothetical instance of what can happen—in such a circumstance the powers of the State Board would be taken over by the Central Board. But that would not mean that the State Board would stand totally superseded. The State Board can yet function in other

areas. It is only in a particular area, in a particular function that the Central Government is envisaging taking over the powers of the State Board. Of course, if the Board stops functioning completely, the Central Government would take it over, in any case. This is purely to give you an idea of what the amendment is all about. The intention of the Government is quite clear from this. One should not have all kinds of apprehensions; there should be no apprehensions about this. This is a very, very serious subject; this is a subject which ought to excite all of us; it ought to be something very close to to our hearts. We must do something about it.

**SHRI NIRMAL CHATTERJEE:** Does it preclude the Central Board from superseding any function?

SHRI VISHVJIT PRITHVIJIT SINGH: Sir, through your medium may I please answer the honourable Member? It allows the Central Government to take over the functioning of the Board and yet gives us the saving clause that wherever the Central Government does take over, in the other areas the State Board can keep functioning. That is what it means.

SHRI NIRMAL CHATTERJEE: But it can, in its wisdom, take away all the powers.

**SHRI VISHVJIT PRITHVIJIT SINGH:** That, definitely, is not precluded. But the definition is kept vague on that point. It has not said anything about it. But I am sure, it can be done. By the way, are you the Chairman of the State Board?

SHRI NIRMAL CHATTERJEE: I am not. Otherwise I would have inducted you!

**SHRI VISHVJIT PRITHVIJIT SINGH:** Sir, I would now like to go on to section 21. With section 21 I have a little problem and I would like the honourable Minister to give a small clarification on this. In section

[Shri Vishvjit Prithvijit Singh]

21 I find that you are talking in terms of an "air pollution control area."

SHRI P. N. SUKUL (Uttar Pradesh): Section 21 of the Act is available.

SHRI VISHVJIT PRITHVIJIT SINGH: Section 21 of the principal Act. Clause 9 of the present Bill says here:

"(i) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) Subject to the provisions of this section, no person shall, without the previous consent of the State Board, establish or operate any industrial plant in an air pollution control area."

It goes on to give certain qualifications of that. What do you mean by "air pollution area?" Please define "air pollution area." Later on, when I come to another section, I would point out that you have yourself got rid of this ambiguity in another section. But in this section there is a problem, and you have actually said, "air pollution control area." According to me all areas are important, any area. It is not necessary that one should be a highly polluted area or a less polluted area. All areas are equally important. Therefore, we must cover all the points. So, this ambiguity must be removed. I would like to have a clarification on this. Is this an oversight or is this being done deliberately? Do you plan to do something about it?

I would now deal with sections 22 and 23 of the old Act. Amendments under section 23 are purely formal, though it is not so in the case of section 22. In sections 22 and 23 where you have said that the power to move courts to recover expenses... (Time bell rings)

THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM): Please conclude.

SHRI VISHVJIT PRITHVIJIT SINGH: I am sorry, if you are going to ring the bell, Mr. Vice-Chairman. Sir, there is no way I can finish this.

THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM): I would just inform the hon. Members that the Business Advisory Committee allotted two hours only for this Bill, and many hon. Members are to speak.

SHRI VISHVJIT PRITHVIJIT SINGH: I am taking the time of the ruling party.

THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM): All right.

SHRI VISHVJIT PRITHVIJIT SINGH: The rest of our Members will speak for less time than I.

THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM): So, you continue.

SHRI NIRMAL CHATTERJEE: Sometimes you forget that your party is dominated by one individual.

SHRI VISHVJIT PRITHVIJIT SINGH: Not at all. If you think that I am that individual, I will show you I am not.

Do I have your permission, Mr. Vice-Chairman, Sir?

THE VICE-CHAIRMAN (SHRI MOSTAFA BIN QUASEM): You please continue.

SHRI VISHVJIT PRITHVIJIT SINGH: Thank you. Sir.

As I said, between sections 22 and 23 a new section is being inserted. The Board can move the court to recover expenses. The courts have been authorised to empower the Boards to do whatever they can to control pollution. This is a new section. This is a highly important section. The courts themselves are being empowered by the Act to authorise the Board. The courts have been authorised to empower the Board. Of course, it can be either

way. The Boards can act and can function, the Boards can take over the actual function of a company, can actually force a company to close down, to various things.

Section 23, of course has been amended to cover all areas. This is what I was referring to when I spoke to the hon. Minister just now. Clause 12 reads:

"In section 23 of the principal Act, in sub-section (1), the words "air pollution control" shall be omitted."

In other words, all areas will be covered. Here the hon. Minister has taken the right step. In the earlier section this problem still exists. I would request the hon. Minister that in the face of this amendment, he must insert another amendment in the other portion of the Act also.

Section 24 of the principal Act is being amended to delete reference to the Schedule. The Schedule gave a specific list of industries, and we find that the Schedule did not cover all industries. So, stay orders are coming from the courts. Therefore the Schedule will be omitted completely. All industries will come; plus all pollutants will be covered by the amended Act. Therefore, it is a purely formal amendments, and we are doing that.

A new section, section 31 A is being inserted. This section 31A is giving extra powers to the Boards to deal with all situations. Earlier the courts have been authorised to give the Board special powers; this section itself gives. There is an explanation here. This is very very important. The new section 31A reads:

“31A. Notwithstanding anything contained in any other law, but subject to the provisions of this Act, a Board may, in the exercise any of its powers and performance of its functions under this Act, issue any directions in writing to any person, officer or any authority, and such person, officer or authority shall be bound to comply with such directions.

**Explanation.**—For the avoidance of doubts, it is hereby declared that the power to issue directions under this section includes the power to direct—

(a) the closure, prohibition or regulation of any industry, operation or process; or

(b) the stoppage or regulation of supply of electricity, water or any other service."

This is the final provision. There is no way that a pollutant industry can escape because you can actually close it down by forcing the water authority, the electricity authority, the transport authority to stop servicing that particular premise, to stop servicing that particular industry, by which a total control can be kept over it. Section 32 is being amended. Again it is a formal one. There is just a change of nomenclature.

In Section 33, a new section has been added allowing them to raise money through public subscriptions, through loans etc. This is again highly necessary because we have found that the Central Government sometimes does not provide enough money or the State Governments in their Budgets do not provide enough money and we find that the Boards need money to function. If they cannot get money from the public exchequer, let them get it from the public itself. This is what has been envisaged.

In the old Section 35 also there is a welcome amendment. In the old Section 35, the Centre as well as the States had to provide an annual report and the annual report had to be tabled in either the State Legislatures or in the Parliament within six months from the date of receipt of the Report. That was an ambiguous clause, because God knows when the report is going to be received and when it is going to be tabled. Therefore, to preserve the right of the parliament and Legislatures, it is now proposed 'within nine months from the end of the last financial year'. Therefore, an

[Shri Vishvijit Prithvijit Singh]

actual date has been set by which the report will be tabled both in Parliament as well as in the State Legislatures. This is a very very good amendment and I congratulate the hon. Minister for this.

I would now like to deal with sections having penal clauses.

The old section 37 provided for imprisonment of three months or a fine of Rs. 10,000 or both. This was a ridiculous provision. I would like to read it out:

"Whoever fails to comply with the provision of sub-section (5) of Section 21 or Section 22 or with any order or direction given under this Act, shall, in respect of each such failure, be punishable with imprisonment for a term, which may extend to three months or with fine, which may extend to Rs. 10,000 or with both and in case the failure continues, with an additional fine which may extend to Rs. 100/- for every day, during which such failure continues after the conviction for the first such period."

It was really a very weak provision and we have changed it now. It is now going to become:

"Whoever fails to comply with the provisions of section 21 or section 22 or directions issued under section 31A, shall, in respect of each such failure, be punishable with imprisonment for a term which shall not be less than one year and six months but which may extend to six years and with fine, and in case the failure continues, with an additional fine which may extend to five thousand rupees for every day during which such failure continues after the conviction for the first such failure."

There is a subsequent provision to that:

"If the failure referred to in sub-section (1) continues beyond a

period of one year after the date of conviction, the offender shall be punishable with imprisonment for a term which shall not be less than two years but which may extend to seven years and with fine."

This is a very good penal provision which has been brought in. But I find something rather strange which is inbuilt in this itself. It is obvious that the Minister is aware that where the industrialist is making profit he does not mind going to prison, he does not mind paying the fine. This is why we have raised them to Rs. 5,000 per day. But don't forget that these industrialists who make crores of rupees from the blood of the workers of this country, are even willing to pay Rs. 5,000 and they will pay it every day. You know that. That is why you said we you have provided for one year. Why should we allow them to carry on for one year? This period must be shortened and the term of imprisonment must be made even further harsher. That is the only way through which they come to their senses; otherwise they never come to senses. Here I would like to tell a little story. A young lady got married into the family of an industrialist and when she got married to the family of an industrialist, she went to live in the family home of the industrialist which was in an industrial area. There, there was the smell of sulphur, a tremendous smell and she could not sleep at night and she went next morning to her mother-in-law and said "this horrible smell I cannot stand." And her mother-in-law said "don't worry, my dear, this is the smell of money, you will soon get used to it." So this is their attitude. Their attitude is this is the smell of money. It is that smell of money which is the smell of death for the common man. It is this conflict between the common weal and the profit-making industries of this country, it is that problem which we are facing today and that is what we are legislating all about.

I would like to carry on with section 38.

श्री राम अश्वेश सिंह : (बिहार) :  
कांग्रेस पार्टी की ओर से सारा समय  
इन को है ?

श्री विश्वजीत सिंह पृथ्वीजित सिंह :  
सारा समय मेरे जिगे नहीं है । मेरा  
समय कुछ घटा है ।

In section 38 the original provision was for Rs. 500 and an imprisonment upto three months. But now the fine has been increased to Rs. 10,000.

Section 39 is a purely formal section and here again the penal provision has been provided and the penalty has been increased. As we all are aware, the penalty has been increased to Rs. 10,000 with an additional fine of Rs. 5,000 per day.

In section 43...

**SHRI NIRMAL CHATTERJEE:** Impri-  
sonment is only for three months.

**SHRI VISHVJIT PRITHVIJIT SINGH:**

I would like to say that this section deals with only those who obstruct. If somebody is an agent of the original person who is committing the offence wherein the agent has already been punished, the agent is punished separately. This is a separate section and whoever contravenes any provisions of this Act or order or direction issued thereunder for which no penalty has been elsewhere provided in this Act there the penalty has already been provided. For every Act, for every violation there is a penalty provided. In case there is something beyond that, I am sure it will be taken care of. The Government has kept the definition very wide. You do not know because with new technologies coming in, definitions would be required to be kept wide in future. So to cover that this has been provided for. This is a formal one. The actual people committing the offences under the Act would be punished in any case.

**SHRI NIRMAL CHATTERJEE:** The fine is same but the imprisonment time is different. That is the point which I was making.

**SHRI VISHVJIT PRITHVIJIT SINGH:**

I am sure that is an oversight. That can be corrected.

Section 43 is very, very important. In this section the power to make the complaint earlier was limited. I will take two minutes of your time to read the earlier section 43:

"No court shall take cognizance of any offence under this Act except on a complaint made by, or with the previous sanction in writing of, the State Board, and no court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try and offence punishable under this Act."

Now, here the interest of the public comes in. We try to remove all doubts from the public minds who would not allow anything to go wrong. It has been mentioned here that anybody can take cognizance of an offence and file a complaint and give a notice. It says: "No court shall take cognizance of any offence under this Act except on a complaint made by— (a) a Board or any officer authorised in this behalf by it; or (b) any person who has given notice of not less than sixty days, in the manner prescribed, of the alleged offence and of his intention to make a complaint to the Board or officer authorised as aforesaid." Here a Board of the general public can actually get up and file a complaint, can give notice within sixty days of his filing of the complaint and after the notice is over, he can go ahead and he can go to a court and if a reply is given within sixty days, fine, then the court will have to take cognizance of the offence. Of course, there are all kinds of various other provisions, where the Board shall on demand by such person make available whatever material or information they have about a particular industry or about a particular offender where all sorts of things are given but the main point is, here a private individual can file a complaint. It is for the first time that this has been brought in. If I remember correctly, we have brought in a similar provision in the Environment Protection Act and this is another one and this is to bring all the other Acts in line with each other where every member of the public who is duly concerned can actually file a complaint. Section 50, again, is



[Shri Vishvijit Prithvijit Singh]

a formal one. Section 53 is also a formal one. I would now like to deal with the Schedule. As I have said, the Schedule also had provided for a specific list of industries. A list of 20 industries was given. Now because of the stay orders granted by the courts, because of the so-called problems that have been faced, we are now doing away with them. Every single industry will be covered because there will be no schedule. All industries, all pollutants, everything can be covered. I once again congratulate the Ministry and the hon. Minister for this extremely comprehensive Bill which has been brought forward. It is never too late to do these things. And I support it wholeheartedly and I hope, it will serve its purpose and bring pollution to some sort of a standstill and at the end, I would like to give a notice of sixty days from the passing of this Act for my complaint against Indraprastha Stadium.

SHRI G. SWAMINATHAN (Tamil Nadu): Mr. Vice-Chairman, Sir, I wish I had been called to speak before Mr. Vishvijit Prithvijit Singh. I had a lot of ideas to speak and after his masterly analysis for over a period of 30 minutes, he has exhausted almost all my points and I do not know what more I can dwell on the subject. Sir, one or two points I have to mention specifically because this Bill, the Air (Prevention and Control of Pollution) Amendment Bill, 1987 is a non-controversial Bill. Normally, Sir, whether a Bill is controversial or non-controversial can be concluded by the number of persons who are present in the House. When the attendance is very large, you can definitely conclude, it is a controversial Bill in which people are very much interested. Suppose, it is a Bill on which every Member unanimously agrees there may not be much attendance because everybody feels that there is a Bill to be passed and there is no controversy about it. So I also extend my support to this Bill. However, there are one or two points that I want to mention before I take up other points.

The hon. speaker who proceeded me, was talking about profits in industry. Sir,

I wish to mention that profits are most important for any industry. Any industry, whether it is a private or a public industry, unless it makes profits, it cannot continue. It is very important for any type of industry whether it is a private industry, unless it makes profits, it cannot continue. Communist country like USSR any industry, even a Government-owned State industry should also make a profit. You may call it profit or surplus. Whether it is the USSR or China, industry should be there and it should make a profit. The difficulty faced with is as to who should be prosecuted. The point is, the Officer who is in charge should be prosecuted and the directors or the managing director or even the shareholders should not be prosecuted. It was the contention of my hon. friend Mr. Nirmal Chatterjee that everybody who is connected should be prosecuted. Then shareholders should also be dealt with. Normally, in any company, the shareholders do not come into the picture. Except for the fact that they have invested money, they do not come into the picture of administration. The Board of Directors is the highest body. Normally, it is the Managing Director or the Chief Executive, or by any name you call him, in any administration, whether Government or private, who should be found fault with. It is the top-most authority, whether he has anything to do with it or not, who should be punished. I wish to bring to your notice what happened when an accident took place in Ariyalur in Tamil Nadu. In 1966 or so, there was a big railway accident. After the accident, one person who resigned from the post was the then Railway Minister, Mr. Alagesan. He did not do anything that caused the accident. The driver or anybody else might be the reason. But he resigned. So, whoever is at the helm of affairs should be prosecuted. If you do not allow that, then the concerned people will be allowed to put the blame on somebody and escape. Therefore, whether it is in the Government or the private sector, the Board of Directors and the Managing Director and the Chief Executive, whether they are involved directly or vicariously, should be punished. Unless you have such an arrangement, people will not be afraid of these things.

Now, coming to the main Act itself, there is a dilemma between the Government, be it the State Government or the Central Government, and the industry. Over a period of time, we have been asking people to put up any industry. Even the communist, West Bengal Government invites people to establish industries; it invites the Birlas too. Even China invites multinationals to come there and open industries. Every Government wants industrialisation of its country. Every Government wants industrialisation of its State. There cannot be any development without industrialisation. So, the dominant thought in the mind of any Government is about how to industrialise the State. Over a period time, when we were industrialising like this, pollution came in. Now, we think of pollution control. In Tamil Nadu, the Pollution Control Act is passed and there is a Board now. But, even if you take places like Tamil Nadu, where the Government wants to be strict in dealing with pollution and the industries causing pollution, there is some vacillation. I do not deny that: There are so many industries and so many hundreds of thousands of workers are working in these industries. If you suddenly close an industry, thousands of workers are thrown out of employment. The problem of pollution has arisen in the recent past. But many industries are already there. In Tamil Nadu, we face this problem for the past two years. On the one hand, we have the industries where hundreds of thousands of people work and on the other, we have the people who clamour that something has to be done for the problem of pollution. This problem is faced by many States like Tamil Nadu and Karnataka where they have enacted the Pollution Control Act. The State Governments are as much interested in pollution control as the Central Government. My esteemed friend Mr. Nirmal Chatterjee asked why you have Central intervention on this point. Why do you want Central intervention in a case where not only Government of India, even every individual is very much concerned? Is it as if Government of India alone is interested in the control of pollution, as if State Governments are not doing anything in the matter, and therefore, Government of India should exercise

their control on the Boards and if the Boards do not carry out their duties, they will be superseded by the Central Government? I personally feel that this is not warranted. Every State is as much interested in pollution control as is the Government of India. Then, what is a Board constituted by a State Government and what is a Board constituted by the Central Government? The same IAS officers are going to man both the Boards, officers of the same service are going to be there on both the Boards. Is it your contention that officers from the State cadres are less concerned about pollution control than officers from the Centre? The same officers who are here on this Board today may be transferred tomorrow and be there on that Board. And then, just as the Central Government is elected by the people, the State Governments are also elected and by the very same people. Just as Members of Parliament are elected by the people and through the Members of Parliament Government of India has come into being, Members of State Legislatures are also elected by the same people and through the Members of the Legislatures the State Governments have come into being. Why then should the Central Government take powers to supersede a particular State Board if it is not functioning all right? If it is not functioning properly, there must be some reason and the Central Government can definitely take up the matter with the State Government. Who should take action against the Central Board if it does not function properly? We know many Central organisations, many Central industries—there has been such a clamour for Government of India undertakings everywhere—which are running in loss; they are not functioning properly. Then who should take action against them? If the Central Board is not functioning properly, if it is not giving proper directions, if it does not take action against one State and it takes action against another State in the same set of circumstances who is to supersede the Central Board, who is to take action against the Central Board? This kind of supersession, this kind of overlordship on the State Government as if State Governments are not interested in pollution control is not good either for the Govern-

[Shri G. Swaminathan]

ment of India or for the State Governments.

The previous speaker told the House that this kind of action would not come from the Government of India except when an industry was put up on the border of four States. The honourable Minister may remember, he said when an industry, a big industry, was put up on the border of four States, that industry might create some pollution of the air affecting States other than the State to which the industry belonged. His argument was that the State which owned the industry might not take any action against that industry because the industry belonged to it or the industry benefited that State and its people were employed in that industry, he benefits of that industry were derived by the State but that it is the other States which did not benefit by the industry which might take objection to the pollution. A strange argument. I do not know whether the honourable Minister has made any research or has got any research material on the subject. I want to know from the Minister how many such industries are there on the borders of four States, which State is getting the benefits of the industry, which States are affected by its pollution, etc. I do not think this sort of an argument can sustain in reality.

Now I come to vehicular traffic and the pollution caused by it. In almost all cities today pollution created by vehicular traffic is increasing beyond tolerance. I give you my experience this morning. As I was coming by car, I was stopped at an intersection. There were several cars and motorcars before me and behind me. I was stopped for more than ten minutes and I had no way out. The motor car before me was emitting smoke profusely and causing so much air pollution that I could not get out of my car for fresh air. For full ten minutes I had to inhale that carbon monoxide. I was worried whether I would at all be able to make it to Parliament this morning....

SHRI JASWANT SINGH (Rajasthan): Who stopped you?

SHRI G. SWAMINATHAN: A police man....

SHRI JASWANT SINGH: Why did he stop you for such a long time? Was there any VIP or VVIP passing that way?

SHRI G. SWAMINATHAN: There must have been some VIP going.....

SHRI JASWANT SINGH: Nowadays this is another phenomenon causing traffic jam and pollution.

SHRI G. SWAMINATHAN: I don't mind some VIP passing the way so long as they ensure that there is no pollution caused by the traffic jam. All the vehicles before me and behind me were giving out monoxide fumes. This is the picture today in especially all major cities like Delhi, Madras and Bombay. This kind of vehicular traffic is creating a bigger pollution. I can understand this problem with a cement industry or some other industry in a remote area. But here on busy thoroughfares, on Madras Mount Road, Marine Drive of Bombay or in the main market place like Connaught Circus of Delhi, where hundreds of thousands of people move about, this kind of vehicular pollution will prove disastrous for the people over a period of time. I understand that the Government is going to do something. With regard to this air pollution. But are they thinking that only industries are going to create pollution and nobody else? So, something has to be done with regard to this.

Then, sir, I come to the question of noise pollution. Again, Sir, the ambit covers only industries and the stress is there only on industries. Noise pollution is there everywhere nowadays.

SHRI NIRMAL CHATTERJEE: Ex-cent in Parliament.

SHRI G. SWAMINATHAN: I do not know. But, if you take the case of Tamil Nadu. I will just give you an example. Suppose a small marriage takes place in some locality. Then they should have at least ten amplifiers and they do not allow the people nearby to sleep for three days. The more the number of amplifiers and microphones, the bigger is the noise and the more you

have of these the bigger the man you are considered to be in the locality. This kind of a situation prevails in many places where cinema music and all kinds of music are played on the amplifiers. Even in temples I see this happening and they are playing cinema music and not any other kind of music. That kind of a situation is there now and because of this, Sir, the children are not able to read. Another big source of noise is political meetings. I know that there are certain places which are earmarked for these political meetings in certain areas where there are so many houses and there are so many children also who cannot read because of the noise. Now, in a place like Thanjavur from where I come, there is a particular *maidan* allocated to the political parties for their meetings. All through the year, almost for nine months in a year, one political party or the other has a meeting there and much noise is created in the locality and the children are not able to read at all and the people are suffering because of these political party meetings. I do not know whether such a kind of noise pollution should be allowed to continue and the authorities should take it up seriously as they do in the case of other matters.

There is only one point which I want to mention now and which, I think, will be relevant. In Karnataka, there is a particular rule with regard to the afforestation scheme. I have heard of one thing from my friends in Karnataka and when I was in Bangalore, I heard of the same thing. In Karnataka, suppose you have a house on a road and there is a tree abutting on your house. If there are some trees on the road and if somebody cuts those trees, the house owner objects. But those people cutting the trees say that the trees do not belong to the house owner and they are not within his compound and that they are outside the compound and, therefore, he should not ask those people why they are cutting down the trees. Now, in Karnataka, they have made a rule. If two or three are there on the road and are abutting on your compound, you are supposed to take care of them; otherwise, action will be taken against you. This is the rule

that they have made. This has happened in Karnataka and I am told that it has yielded very good results. I have had a conversation with our honourable Chief Minister and told him about this kind of a thing because a lot of trees are being cut in Madras city also. Our Chief Minister also is going to take up this matter and I only wish that the honourable Minister also took up this matter.

Finally, Sir, there is only one point which I would like to make before I conclude and it has been reported in the papers also and it is regarding the Taj Mahal. I have been reading in the papers that pollution from a sulphur factory, is affecting the Taj Mahal and the Taj Mahal may not be able to have its pristine glory for another twenty years. If it is so, then a very great damage would be done to the Taj Mahal. If we read such things in the newspapers, then we feel very sorry about it. I do not know whether the honourable Minister has taken any steps in the matter. If there is sulphur pollution, steps should be taken to prevent this pollution. I know that there is pollution near the ancient monuments and in the archaeological sites. I know that in Thanjavur, there is some factory which is polluting the Brihadeeswara Temple. I also know of a cement factory which is polluting another temple elsewhere and which is polluting some archaeological monuments which are hundreds of years old. They are getting polluted because of the cement dust being thrown in on them. When there is this kind of a pollution to our archaeological monuments and sites, I only want that the Government should take proper steps to see that they are not polluted.

With these words, Sir, I wish to welcome this Bill and I wish to support this Bill despite the few comments that I have made. Thank you, Sir.

THE VICE-CHAIRMAN (SHRI MOS-TAFA BIN QUASEM): Now, Pachouri.

श्री सुरेश पचौरी (मध्य प्रदेश) : माननीय उपसभाध्यक्ष जी, सदन में जो एयर (प्रिवेंशन एण्ड कंट्रोल ऑफ पोल्यूशन) एमेंडमेंट बिल, 1987 प्रस्तुत किया गया है उसके समर्थन में बोलने के लिए खड़ा हुआ हूँ। आज मनुष्य की

## [श्री तरेश पचोरी]

बढ़ती हुई आवश्यकताओं और उनकी पूर्ति के लिए किये गये प्रयासों के उग्रान्त मनुष्य का प्रकृति के साथ एक तरह से संघर्ष आरम्भ हो गया है। बढ़ती हुई आवादी और उसकी बसाहट, शहरीकरण और औद्योगीकरण के कारण प्रकृति का संतुलन बिगड़ना एक स्वाभाविक बात है। जंगल कटे, वस्तिग बसी, उद्योग धंधे स्थापित हुए, कृषि विकसित हुई सम्पत्ता के सोपानों के लिए यह हुत जल्दी था। लेकिन पर्यावरण के एक अंग को दूसरे का कीमत पर विकसित नहीं किया जा सकता था और इसलिए इस पर विचार करना बहुत आवश्यक हो गया है कि किसी भी प्रकार से प्रदूषण उत्पन्न न हो पाये।

महोदय, पर्यावरण की सुरक्षा के लिये 1986 में जो कदम हमने उठाये थे उससे एक मजबूत शुरुआत हुई और अब इस बिल में प्रस्तुत संशोधन उस शृंखला में एक और कदम है जिसको हमारे माननीय मंत्री श्री भजनलाल ने उठाया है और इसके लिये यह अमेंडमेंट बिल 1987 प्रस्तुत किया है।

महोदय, इस बिल में ऐसी बहुत कुछ व्यवस्थायें हैं जिससे काफी कुछ आवश्यक कदम उठाने में मदद मिलेगी। इसका जो महत्वपूर्ण पक्ष है वह यह है कि पब्लिक इन्टरेस्ट में कोई भी आम आदमी प्रदूषण की संभावनाओं और उत्पन्न खतरों को रोकने के लिए केन्द्र, राज्य या प्रदूषण बोर्ड को सीधे शिकायत कर सकता है और एक निश्चित अवधि के अंदर उसकी शिकायत पर केन्द्र सीधे कार्यवाही कर सकता है। पर्यावरण कानून को सख्ती से लागू करने में स्थानीय निकाय या राज्य शासन किन्हीं कारणों से यदि पहल न कर पाये तो इसके लिए पूर्व के नियम में कोई प्रावधान नहीं था लेकिन इस बिल के माध्यम से वह सब पावर दी गई है ताकि सेन्ट्रल बोर्ड अपनी पावर का उपयोग करके आवश्यक कार्यवाही कर सके।

मान्यवर, पर्यावरण बोर्ड किसी भी औद्योगिक इकाई के प्रदूषण को दूर करने के लिए किये गये प्रयासों की जानकारी लेता रहेगा और यह एक निरंतर जारी रहने वाला मित्रमिला होगा ताकि प्रदूषण दूर करने या कम करने में ढिलाई न बरती जाय। पहले कोई भी औद्योगिक इकाई को कार्य प्रारम्भ के लिए पर्यावरण बोर्ड से, एन० ओ० सी० से क्वेयरेंस लेना होता था लेकिन अब टीटमेंट प्लान्ट पहले लगाना पड़ेगा ऐसी व्यवस्था इस बिल के माध्यम से की गई है।

महोदय, प्रिंसिपल ऐक्ट की धारा 31ए को संशोधित करने में प्रदूषण रोकने में मजबूती मिलेगी। इसके अनुसार यदि कोई औद्योगिक इकाई नियमों को लागू न करने के कारण दंडित की गई हो एवं नियमों का उल्लंघन फिर भी जारी रहे तो 5,000 रुपया प्रतिदिन का जुर्माना एवं दोषी को कम से कम 2 वर्ष या अधिकतम 7 वर्ष तक की सजा का प्रावधान है। इसी तरह प्रिंसिपल ऐक्ट की 38 के मुताबिक जहां 500 रुपया दिया गया है वहां 10 हजार रुपयों का प्रावधान किया गया है। इससे जो लोग प्रदूषण फैलाने में मददगार साबित होंगे निश्चित रूप से उनके मन में एक भय उत्पन्न होगा। मान्यवर, इस तरह औद्योगिक इकाइयों में उत्पन्न प्रदूषण को रोकथाम में सरकार के नियमों के पालन एवं फैक्टरी का पक्ष दोनों में हुए विवादों के हल के लिए पर्यावरण अदालतों का गठन एक अभिनंदनीय प्रयास था। अब पर्यावरण अदालतों के नियमों की अवमानना को न्यायालय की अवमानना के रूप में माने जाने में इन अदालतों की भूमिका अपने उद्देश्यों में सफल साबित होगी, ऐसी मेरी मान्यता है।

दिल्ली के ए० आई० आई० एम० एस० एवं वर्ल्ड हेल्थ आर्गनाइजेशन ने घरों के भीतरी भागों में मौजूद प्रदूषण के बारे में अध्ययन किया है। घरों में प्रयोग होने वाले गैस के चूल्हे, स्टोव, सिगरेट के धुएँ से वातावरण में कार्बन-

मोनोक्साइड कीनाल बेन्जो ए पाराइट की मात्रा बढ़ जाती है। इसके कारण बाहर के साथ-साथ आज घरों के अंदर का वातावरण भी प्रदूषित है। ग्रामीण महिलाओं में कार्डियक एनलार्जमेंट, फेफड़ों की कार्यप्रणाली अव्यवस्थित होना और इससे उत्पन्न अवरोधों से हार्ट अटैक आदि जो होता है, प्रदूषण ही इसका जिम्मेदार है।

मान्यवर, मैं एक ऐसे शहर से यहां पहुंचा हूं जहां तीन वर्ष पहले की औद्योगिक दुर्घटना से प्रदूषित वातावरण के आप्टर एफेक्ट ने आज तक उन्हें छुटकारा नहीं मिला है। भोपाल में जो 2-3 दिसम्बर को गैस त्रासदी हुई थी उससे हमें इस बात का पर्याप्त आभास है कि प्रदूषण के किम तरह आप्टर एफेक्ट्स होते हैं। प्रदेशों में संभागीय स्तर पर या हर स्थापित इंडस्ट्रियल एरिया में एक प्रदूषण नियंत्रण प्रयोगशाला की स्थापना आवश्यक है, जो कि वायु प्रदूषण नियंत्रण हेतु प्रभावी कदमों की जानकारी औद्योगिक इकाइयों को जनता को तथा सरकार को दे सके। वनस्पति विज्ञान ने शोध कर के इस प्रकार के वनस्पति को खोजा है जो कि वातावरण में से अधिक मात्रा में कारबन मोनोक्साइड को सोख लेती है। कुछ ऐसे भी पौधे हैं जो ध्वनि को भी रोक लेते हैं। इसलिए मेरा आग्रह है कि पर्यावरण बोर्ड की पहल पर सड़क के दोनों किनारों पर कम से कम अस्पताल के आसपास इस प्रकार की वनस्पतियों को लगाया जा सके इन पेड़ों को लगाया जा सके ताकि कारबन मोनोक्साइड वह सोख सकें और साथ ही साथ शोर प्रदूषण को भी कम कर सकें।

देश के महानगरों में पिछले 20 वर्षों में शोर आठ गुणा बढ़ गया है। महानगरों में शोर का स्तर 60 डेसिबल रहता है और अन्तर्राष्ट्रीय मापदंड 45 से कहीं बहुत अधिक है। एक इं.एन.टी. स्पेशलिस्ट ने यह बात उजागर की थी कि यदि यह कम शोर प्रदूषण का रहा तो अगली आने वाली पीढ़ी के ध्वनि यंत्र में इस प्रकार का प्रभाव होगा कि

वह कुछ हद तक बहरी होगी। 1986 के एक्ट के बाद जो अमेंडमेंट 1987 में आ रहा है उस में शोर प्रदूषण और वायु प्रदूषण पर बहुत ज्यादा जोर दिया गया है निश्चित रूप से यह आगे आने वाली पीढ़ी के लिए भी वरदान साबित होगा ऐसी मेरी मान्यता है। मोटरों के हार्न, लाउडस्पीकों और मशीनों से निकली तीखी ध्वनि तथा निरंतर आने वाले शोर से हमारे शरीर पर बढ़ता दबाव, ब्लड प्रेशर, मानसिक तनाव, हृदय की धड़कन की गति आदि बढ़ाने का एक बड़ा महत्वपूर्ण कारण रहा है। इस संशोधन विधेयक में शोर प्रदूषण को रोकने के लिए जो पहल की गई है निश्चित रूप से वह एक अभिनन्दनीय प्रयास है। शोर प्रदूषण उसके उद्गम स्थल पर ही रोक कर उसके दुष्परिणामों से जनजीवन को बचाया जा सकता है। कल-कारखानों द्वारा, विभिन्न उद्योगों द्वारा शोर कम करने के लिए विभिन्न टेक्निकल व्यवस्थाओं का उपयोग किया जाना बहुत जरूरी है। हम विचार करना होगा कि जैसे कारखानों में शोर-शोषक दीवारें होती हैं जो कि शोर को सोख लेती हैं, मशीनों के आसपास चारों ओर मफलरों का कोटिंग लगाते हैं उससे काफी हद तक शोर के स्तर को या जो आवाज है उसको काफी कम कर सकते हैं। मशीनों से उत्पन्न तीखी ध्वनि को कारखानों में साइलेंसर जैसा प्रतिरोधक लगा कर कम किया जा सकता है। कारखानों में काम करने वालों को ईयर-प्लग, ईयर-प्लफ, हेलमेट आदि दे कर शोर के दुष्प्रभावों से बचा जा सकता है। यह मेरे सुझाव से महत्वपूर्ण बिल पर है। इन शब्दों के साथ मैं माननीय मंत्री जी ने जो बिल प्रस्तुत किया है उसकी भावनाओं की कद्र करते हुए इस बिल का मैं समर्थन करता हूं।

DR. G. VIJAYA MOHAN REDDY  
(Andhra Pradesh): Sir, the maintenance of ecological balance is a great responsibility and it bestows great responsibility on all the modern States.

[The Vice-Chairman (Shri G. Swaminathan) in the Chair]. Pollution is one such responsibility. Along

[Dr. G. Vijaya Mohan Reddy]

with air pollution and water pollution, we can consider other pollutions also. There is pollution in politics, pollution in morals and pollution in Indo-British film which highlights *sati* and depicts this ceremony of Chunni Mahotsava. The

Chunari Mahotsav got clearance from the Central Government and the State Government also gave clearance. This is also a pollution of our culture. That is why we

will have to take a firm stand on the pollution problems that engulf us because pollution emanated from the concentration of money power. Recklessness has grown in this country, forests have been denuded mercilessly by the self-interested people. Concentration of industries has taken place. There is no dispersal of industry, there is no decentralisation of industry. All this has occurred because we are going in for a civilization which is an end in itself, not a beginning. That is why I request that we bestow a greater understanding in this matter. For example, it has been said by one of our esteemed colleagues, probably, Mr. Vishvjit Singh, about Section 18. Another colleague had clearly stated the particular contingencies in which it was postulated. I may tell you as a medical man that if there is an epidemic in a State, are you going to take over the health administration of that State? If there is a hepatitis epidemic in Delhi city, what action are you going to take? The authority responsible will have to take the action. And pollution is such a problem. You think that because industries are your monopoly, pollution is also your monopoly, because irrigation is your subject, you think that water resources are your monopoly and water pollution is also your monopoly. How much are you sharing with the States? What is it that you have done about the Bhopal tragedy? Have you been able to deliver the goods? To how many people are you able to give help? What is your in-court or out-of-court bargain with that atrocious multinational firm? Nothing. Rs. 5 crores have been given by the philanthropists for the Bhopal gas victims. And this has not reached the families of those who have

died or the persons who are suffering because gross mismanagement and corruption. And the victims have not received the money. I have read this in 'the Blitz' which is a very important publication in our country. Even the ruling party attaches a lot of importance to what 'the Blitz' says. They have clearly said that the Red Cross people have bungled Rs. 5 crores and that this money has not reached the victims. Therefore, why should we not have a suspicion? For example, in my own State, there is Jurala major irrigation project. I belong to that place. There is not even a shrub or even a tree and you call it a forest and you are not clearing the project, the environment clearance is not given. And here is the Narmada project where about 2 to 3 lakh hectares of forest land is involved and so many tribal villages are affected. And you gave the clearance without even getting a report. And this is your justice. And I may point out that this type of legislation which you are contemplating is an inroad into the States' authority in the name of developmental work. After all, combating pollution is a national responsibility. Saving the environment is a national problem, national responsibility. The States which are responsible have been given the responsibility by the people of the States. They have to do that. And why should there be these sudden inroads? Just as an example, I may tell you. If there is a cholera epidemic in Bengal, do you mean to say that you will enter and take over the whole health administration? Even if you take it over, are you in a position to do justice? You will not be in a position to do justice because so many factors do come in. After all, combating a situation is not simply taking over a thing. Combating the situation means understanding the broad environment that is existing there, and the broad eventualities that will be there and understanding the various factors that come into play and then combating all the factors. And this can be done because decentralisation you think is not at all the matter of your concern. You do not decentralise the industries. And if the industries are decentralised in all the rural areas, do you mean to say that you will have such a big problem of pollution? Pollution

unfortunately is such a thing. All these dangerous substances may form into a cloud and may rain at a place and cause serious infection. It may cause bronchial problems. It may cause lung infections. It may cause eye infections and so on. And if there are carcinogenic substances which are involved in the pollution then the pre-cancerous conditions will be visible. These conditions will be developing in individuals. Then, it has been pointed out that the effluents from the automobile traffic, buses, lorries, and other wheeled traffic is very dangerous and injurious especially in winter climate when the gases and fumes cannot go up, and they naturally settle down on the ground and everybody will have to compulsorily breathe these obnoxious gases and suffer. In these things also the poor man suffers more because he cannot get any redressal. You are expecting a poor man to go to a court. It is too much for you to think that a poor man who is suffering from the ill-effects of effluents, gases and pollution, is in a position to go to a court and seek justice. Even your boards are not in a position to get justice because of the stay orders. Then how can you expect individuals to get redressal under this law. That is why I say that aims are good but in actual practice we will not be able to do much unless and until we change our entire thinking on the subject. The entire thinking process of the Government should change in conformity with what the founding fathers of the Constitution and our freedom fighters and Mahatma Gandhi postulated. If that is made into a law then we will be able to counter-act the ills that have developed.

Certain things have been mentioned in this Act, for example amendment of section 18 (2). I think it will be wise on the part of the Government to retrace and allow the States to have full powers to combat all the problems of air pollution which is not such a big subject in which Central intervention is necessary. The other thing is that it is proposed to make it obligatory on the part of a person to obtain the consent of the relevant Board even while establishing an industrial plant. This should be implemented very strictly, because nowadays industrial

lists think that they are not governed by any law. Regarding discharge of pollution in excess of specified standards by industries even operating outside the air pollution control areas, this also we will have to implement. It is good that the Schedule has been removed now and every industry which gives rise to pollution that particular industry or that particular board will have taken the steps to safeguard the interests of workers and people around that area, and pollution around that area, because in course of time slow-poisoning will begin to adversely affect the health of the people. It is not at all an easy matter for us to brush aside the whole thing. You consult any medical man and he will tell you that these minor doses of pollution accumulate and finally bring out a major health hazard, as happens in the case of cancer or tuberculosis. It goes on for some time. The lungs become weak. They are not in a position to combat infection. Similarly there is the case of occupational diseases and those connected with asbestos and other polluted environment. These are great health hazards and affect a huge population. They do not affect here and there or one or two persons. They affect a huge population. We have seen in New York a kind of cloud descending with all the effluvia, causing thousands and thousands of cases of bronchial infection which the health authorities were not able to combat. The same situation is coming up in our cities.

There is an amendment which deals with the power to close an establishment, an industry. I think, this is a very very justifiable amendment and Government will have to act on this amendment. It should find a proper place in the rules.

Finally, Sir, I would like to say that this is an area in which a lot of rethinking has to be done. This is an area which should cover a wider ground, a wider perspective of the entire policy. For example, decentralisation of industries, growth of townships, the education that should go in on environment and the national environmental awareness which should be created in the people. Then, there should be ecological task forces which is a very important. I think this has been implemented in some States.



[Dr. G. Vijaya Reddy]

Every State should have an ecological task force. I think the Centre itself can take the responsibility to have such a force. Instead of trying to interfere with the functioning of the State Boards, as you are doing in section 18, you should have ecological task forces which can go directly and deal with the problem, try to help in solving the problem. For example, we send medical teams from the Centre. Whenever there is an outbreak of epidemics, medical teams from the Centre go to the affected area and try to assist the people. Instead of having an attitude of helping, assisting and trying to project greater knowledge, if you want to make further inroads into the powers of the States, naturally, we will have to understand it in a different sense. Thank you.

श्री राम चन्द्र लिक्कल (उत्तर प्रदेश) :

उपसभाध्यक्ष महोदय, जैसा आपने अपने विचार व्यक्त करते समय स्वयं कहा कि यह जो संशोधन विधेयक आया है यह निविवाद है, इसमें कोई विवाद की ज्यादा आवश्यकता नहीं है। यह जो जरूरत हुई सन् 1972 में स्टाकहोम में जो राष्ट्र सम्मेलन हुआ उसमें भारत ने भी भाग लिया, तब से इस संशोधन विधेयक के लाने की जरूरत पड़ी। जो माननीय पूर्व वक्ता बोल रहे थे कि राज्य सरकारों में कोई मداخلत है, ऐसी बात है कि उद्देश्यों में साफ लिखा है कि पांच वर्षों के अन्दर राज्य बोर्डों को राज्य सरकारों को या केन्द्रीय बोर्डों को कार्य करने में जो कठिनाई आई उनके सुझाव के तहत ही केन्द्रीय सरकार इस विधेयक को लाई है कोई अपनी तरफ से नहीं लाई है। तो राज्य सरकारों और केन्द्रीय और राज्य बोर्डों को जो कठिनाइयाँ आई हैं पिछले पांच वर्षों में उनको आई तकलीफों के बाद ही उनके सुझाव पर केन्द्र सरकार यह विधेयक लाई है। इस विधेयक का तो मैं हृदय से स्वागत करता हूँ और समर्थन भी करता हूँ कि यह निविवाद है। लेकिन जो थोड़ी सी शंकाएँ हैं जो कि पूर्व वक्ता को थीं और कुछ भी हैं, उप-

सभाध्यक्ष महोदय, जहाँ इसमें व्यापक क्षेत्र है वही इसकी कठिनाइयों में भी व्यापक क्षेत्र है यह वायु प्रदूषण और जल प्रदूषण दोनों ही व्यापक हैं। जल और वायु की ही चर्चा पहले होती थी जब भी कभी पहले पूछा जाता था और भूगोल में भी जलवायु पढ़ाया जाता था [उपसभाध्यक्ष श्री जगेश देसाई]

पीठासीन हुए]

और चीजें नहीं पढ़ाई जाती थीं, और जिसे नहीं पढ़ाया जाता था। अब जल और वायु दोनों प्रदूषित हो रहे हैं और तेजी से हो रहे हैं। आप जल का किस्सा देखिए तो बड़ी-बड़ी नदियाँ पवित्र नदियों में शहरों के गंदे नाले जा रहे हैं। बावजूद विधेयक और कानून और रोजमर्रा की चिंता के हम जल के प्रदूषण को रोकने में अभी तक असमर्थ हैं। साथ में यह वायु-प्रदूषण फैक्टरी के धुएँ तक ही सीमित नहीं है बल्कि यह सिगरेट के धुएँ से लेकर फैक्टरी के धुएँ तक बीच में जितने भी धुएँ निकलते हैं वायु को दूषित करते हैं। सिगरेट मामूली सी चीज है, इस पर आप पाबंदी लगाएं तो सारी दुनियाँ में आप देखेंगे ज्यादा बहुमत सिगरेट पीने वालों का है। सिगरेट पीकर लोग दूसरों पर धुआँ फेंकते हैं, जो लोग नहीं पीते हैं उनको बड़ी कठिनाई होता है। आप देखेंगे रेलों में लिखा है—सिगरेट पीना वर्जित है, बसों में लिखा है, कई जगह लिखा होता है। बावजूद इसके कोई जगह ऐसी नहीं है, जहाँ कि सिगरेट नहीं पी जाती हो। अब सिगरेट के धुएँ से लेकर फैक्टरी के धुएँ तक किमको रोका जायगा और शुद्ध वायु कैसे की जायगी? यह दोनों चीजें ऐसी हैं, एक दूसरे की पूरक हैं। हम डी०टी०सी० बस को देखें दिल्ली में, राजधानी में तो ऐसी रद्दी-रद्दी बस चलेंगी, जो इतना धुआँ छोड़ेंगी सड़कों पर चलती जाएंगी, मंदा जी मुझसे ज्यादा जानते होंगे। ऐसी बात नहीं कि उनको इसके बारे में कोई ज्ञान नहीं है। तो हम सजा देने जा रहे हैं कुछ लोगों को, लेकिन इसके अमल में दिक्कत है इस पर आपको चिन्तन करना चाहिए। दण्ड व्यवस्था पैसे की भी है

सजा की भी है सब फुड़ है लेकिन दण्ड पाने वाले कुछ न कुछ ऐसे तरीके निकाल लेते हैं कि अपराधी लोग उससे ज्यादा बच जाते हैं। आप खुद देखिए अपराधों की संख्या बढ़ क्यों रही है सारी दुनिया में देश में इसलिए कि अपराधी बचाव का रास्ता उड़ा होशियारी से जानते हैं। अगर कोई फंसेगा तो सीधा आदमी भले ही फंस जाय या निरपराधी फंसेगा। अपराधी अपनी होशियारी से बुद्धिमता से या किसी और तरीके से जिसे मैं यहां नहीं कहना चाहता, बच जाता है। उनके लिए कोई कठिन दण्ड व्यवस्था लानी चाहिए। मैं मानत हूं कानून में तो है, लेकिन अमल कैसे होगा, यह देखने की जरूरत है... (व्यवधान)

श्री राम श्रवणेश सिंह : यह सरकार की इच्छाशक्ति पर है।

श्री राम चन्द्र दिब्रत : नहीं, कुछ समाज की इच्छाशक्ति पर भी है। अगर दोनों ही आगे आएं तो अच्छा रहेगा। मैं कहने जा रहा था कि सरकार की दंड व्यवस्था के साथ हमारे समाज की व्यवस्था पर भी यह निर्भर करता है।

उपसभाध्यक्ष महोदय, कोई भी अपराध करना उसकी एक संज्ञा पहले हुआ करती थी कि यह पाप है और यह पुण्य है। तो जो अपराध करने वाला होता था वह समाज द्वारा दंड पाता था। अब थोड़ी दिक्कत हो गयी है। समाज व्यवस्था हमारी अस्त-व्यस्त हो गयी है और समाज में दण्ड-व्यवस्था का प्रावधान रहा ही नहीं। भले ही उसके कुछ कारण हों मैं उसकी व्याख्या में नहीं जाना चाहता। लेकिन सरकार कानून और समाज व्यवस्था यह तीनों मिलकर ही इन अपराधों को कम कर सकते हैं।

उपसभाध्यक्ष महोदय मैं मोटी-मोटी बातें कहूंगा मंत्री जी से। अभी पंचौरी जी कह रहे थे कि ऐसी जडी-बूटियां लगाई जाय जो शुद्ध वायु देती हों। यों तो हर पेड़ दिन में आक्सीजन

देता है और रात में कार्बन निकालता है, लेकिन पीपल के बारे में यह कहावत है कि यह रात को भी आक्सीजन देता है और आप देखते हैं पीपल के पेड़ को पानी से पूजा स्त्रियों और पुरुषों के लिए धर्म से जोड़ी गयी है। यों तो हर पेड़ लगाना धर्म है लेकिन पीपल के पेड़ को महत्व होता है क्योंकि मेरी समझ में यह आता है कि यह रात को भी आक्सीजन देता है बजाय कार्बन के। तो हम पेड़ों की संख्या बढ़ाएं जो कि आज कम हो रही है।

उपसभाध्यक्ष महोदय, ग्रीन-पार्क जो शहरों में छोड़े जाते हैं वह तेजी से बेचे जा रहे हैं अधिकारियों द्वारा। आप उनको भी दण्डित करेंगे या नहीं? पांच वर्ष के ग्रीन-पार्कों की लिस्ट आप ले लीजिए किसी भी शहर की और देखें कि उन्हें कैसे बेचा गया? क्या उसमें कुछ अधिकारी और कर्मचारी शामिल हैं या नहीं हैं या एन्क्रोचमेंट हुआ है? अगर एन्क्रोचमेंट हुआ है तो किसी ने भी किया हो उसके लिए दंड की व्यवस्था करें। ग्रीन-पार्क खास तौर से शहर के लिए फेफड़े का काम करते हैं। कुछ लोग वहां घूम सकते हैं डकठे हो सकते हैं। मैं तो दिल्ली की कहानी जानता हूं जिसमें छोटे-मोटे पार्क बने हैं वहां घूमने वाले लोग सबेरे इकट्ठे हो जाते हैं थोड़ी देर चर्चा करते हैं घर से निकलकर। आप देखिए इण्डिया गेट पर क्यों गर्मियों के दिनों में सारा शहर निकल कर आ जाता है थोड़ी सी मांस लेने की वहां गुंजाइश है। तो ग्रीन-पार्क जो फेफड़े का काम करते हैं शहरों के लिए आवादी के लिए उनको तेजी से उजाड़ा जा रहा है उसे बचाया जाय। आज जमीनों के मूल्य बढ़ गए हैं इस कारण ऐसा हो रहा है। आप पांच साल के आंकड़े निकलवाइए ग्रीन पार्कों के और जो बसा दिए गए हैं कोई न कोई उपाय करें ताकि ग्रीन-पार्क ज्यादा छोड़े जाय। पेड़ ज्यादा लगाए जाएं। जहां तक डवलपमेंट प्लान...

उपसभाध्यक्ष (श्री जगेश देसाई) : वह चेंज नहीं किया जा सकता। कैसे हो सकता है।

श्री राम चन्द्र विक्रम : उपसभाध्यक्ष महोदय वह अगले डवलपमेंट प्लान को भी चेंज कर सकते हैं करा सकते हैं। लेकिन जो पुराना चेंज हो गया है उसे नहीं रोक गया तो अगले में भी वही बात हो जाएगी जो बात आज हो रही है

तो उपसभाध्यक्ष जी पेड़ लगाए जायें और आबदी को नक्शे के हिसाब से बसवाएं तभी जल-प्रदूषण और वायु दूषण को रोका जा सकता है। इसके लिए हमारे जो अधिकारी कर्मचारी और समाज है सब मिलकर उपाय करें। उपसभाध्यक्ष महोदय मुझे इसके समर्थन में कुछ विशेष नहीं कहना है। मैं इतना ही कहना चाहता हूं कि इसमें दण्ड व्यवस्था जरूर सही है परन्तु इसके अमल के लिए हमें सोचना होगा। इसके लिए राज्य सरकार और केन्द्रीय सरकार में सामंजस्य होना चाहिए। जो हमारे राज्यों के बोर्ड हैं उनमें आपस में सामंजस्य होना चाहिए। एक दूसरे पर टाकते रहने से कोई व्यवस्था सही नहीं रहती। चाहे बोर्ड हों चाहे राज्य सरकार हो चाहे केन्द्र सरकार हो—सब अपने-अपने अधिकारों का समुचित उपयोग करें। तब मैं समझता हूँ कि इस जल-दूषण और वायु-दूषण पर कुछ रोक लायी जा सकती है। साथ ही इसमें समाज का भी सहयोग लेना चाहिए। सामाजिक संगठनों का भी सहयोग लिया जाना चाहिए और इसके सुधार के लिए जितनी भी गुंजाइश हो सकती है वह सुधार किए जाने चाहिए।

इन्हीं शब्दों के साथ मैं इस संशोधित विधेयक का हृदय से स्वागत करता हूँ। सभी माननीय सदस्यों ने भी कहा यह किया जाना चाहिए, यह बात तो निर्विवाद है, लेकिन अमल पर थोड़ा सा संदेह है। इस संदेह को आप कैसे दूर करेंगे, यह आपके सोचने का विषय है।

SHRI M. S. GURUPADASWAMY (Karnataka): Mr. Vice-Chairman, Sir, I take this opportunity to plead with my colleagues in the Government here for a more radical, meaningful and comprehensive policy towards environment. The efforts of the Government in this vital

matter seem to me to be very halting, hesitant and piecemeal. We have woken up to this question rather too late and what we are doing now is too little.

Human environment has become a global issue and a very important question to mankind of late. That is why the United Nations observed a Year of Environment, called a meeting in Stockholm years back in 1972 on human environment to discuss various aspects of this problem.

We passed a piece of legislation in 1981. I thought the Minister would give us a brief resume of what happened between 1981 and now in respect of the legislation which we passed. What were the setbacks, the failures, the limitations, the difficulties, the problems that we faced during these years and why it was imperative on his part to bring this comprehensive legislation? I am not objecting to this legislation at all; let me make it very clear. He would have told us how many notices have been issued to various concerns, how many prosecutions have been launched, what was the story of the enforcement machinery during this brief period. He never did it. That shows the casual manner in which this all-important question is being tackled by the Government. All along the years, since 1952, environment, control of pollution, ensuring a free and healthy atmosphere, has not occupied the priority that it deserves. It was treated as a Cinderella of planning and development in this country. That is why we are faced, all of a sudden, with the huge task of clearing and controlling pollution not only in the air but also in the water and soil.

Perhaps my friend is aware of what is happening in Western Europe and in America and in the industrialized countries of the West. In short, the political parties there have taken environment as a very important plank of their manifesto of their policy. In Western European countries the political parties are equating environment with peace and, in particular, in West Germany the Greens have made environment and peace all important for survival. I am only saying

these things to pinpoint how important it is to have good, clean, healthy atmosphere and healthy environment.

After food, clothing, shelter and education, environment becomes very important for our survival. Therefore, this cannot be treated as "one among many things" by the Government. By a mere piece of legislation this cannot be tackled either, however much important it is. Legislation is important, of course, to translate our ideas into action. But, while talking of the legislation, let me remind my friend who is piloting the Bill that it is implementation which is more important than the mere passing of the legislation. We have seen legislations in the past, and even now, and their fate. It is the enforcement machinery and the implementation which becomes important in the matter of pursuing policies. Therefore, I am not going into the various sections in this measure to find fault with, some of the things which my colleagues have found fault with already. But the most important thing is my observation—I hope he will corroborate my statement—that the enforcement machinery is very weak in this country so far as environment is concerned. What is the use of having a plethora of Boards at the Central and State levels without caring for enforcement? Along with enforcement, monitoring, evaluation, becomes equally important. I am afraid these things have got to be taken into consideration seriously if you want your measure to be implemented properly and effectively in future.

Sir, our colleagues have pointed out various disturbing trends in the environment of the country today. There is a pollution crisis they have pointed out. I agree on that, there is a pollution crisis. Nearly 70 per cent of our water is contaminated, polluted, poisoned. Air is equally polluted. Soil is also polluted. The bigger culprit in all these things is the official agencies. Why blame this person, that person? These official agencies include the Central Government, the State Governments, the corporations, the municipalities which have been largely responsible for the degradation of the environ-

ment in this country. There are slums in the urban areas. Who created those slums? People, of course. Who permits them? There are garbages, huge garbages in the towns and cities, which are not cleared. Who is responsible for clearing those garbages? There are stagnant pools of water everywhere. There is lack of roads, drainages. Who are responsible for all these? As my friends have said, the vehicular traffic in the cities, in the towns, adds its own contribution to this pollution. Who controls these vehicles? There are various official transport undertakings. One is run by the Government in Delhi itself. Twenty-five per cent of the buses run by the Government are all right. Seventy-five per cent of the buses pollute the atmosphere. They are not maintained well.

My point is, it is the Governments and its agencies which are responsible to a great extent for the pollution of the environment. Who will take action against them? In no Government factory is an effort made to introduce devices to prevent pollution. I would like to ask my friend here whether he is going to take action against the managements which run the Government factories. Is there any instance to show whether any action has been taken? Therefore, all are culprits in this. We are all in a way polluting the atmosphere: the family, the community, the society, the local government, the Central Government, the State Government, all. There has been a tremendous setback in the ecological balance. We seem to have lost our race against pollution in the beginning itself.

Therefore, my plea with the Minister is, there has got to be proper enforcement, proper monitoring, proper evaluation at the institutional end. There has to be right education all over, social awareness, understanding of the problems of environment. Every child has got to study through his school books what basic environment is. Our students are studying with no reference to environment. Our syllabi, our curricula do not teach us environment problems, the minimum, basic hygienic problems. How can you

[Shri M. S. Gurupadaswamy]

control and preserve environment without imparting it in our education? Therefore environment should form an important and integral part of our education system itself in schools and colleges. We have also got to create a reservoir of experts on environment which is not there. There are a few individuals who are experts, but you don't have a reservoir of experts on environment. Therefore, my plea will be to create a foundation for environment and to see that environment becomes a part of your development, a part of your planning and a part of your social education process and educational development.

Since you have rung the bell, I do not propose to take much of your time. I would only say that environment should not be treated as Cinderella of our thinking, of our planning and of our development.

**SHRI BIR BHADRA PRATAP SINGH** (Uttar Pradesh): Pollution is a world-wide phenomenon. It is all because of high speed of urbanisation, because natural surroundings are being removed and because of greater industrial activity in the world. Now, before I talk about the law, I would like to point out one thing. So far as the problem is concerned, it is being said that the atom bomb may or may not be able to destroy our civilisation, because of the self-preservation, which is the primary instinct, but the pollution is such a phenomenon which is going to strangle our civilisation even much before the atom bomb could destroy it. I am saying it to support my contention that whatever effort our hon. Minister has made is a laudable effort but I want to remind him that much needs to be done. Whatever he has visualised to these amendments, which I support, is only a part of the problem. But the problem is really much more enormous than what we are going to face, especially in a country like ours where population from the rural side is migrating to cities in an unprecedented number and where industrialisation is not restricted to the defined areas along. Can the hon. Minister imagine that even in

Delhi itself, in the busiest localities of Delhi, in the residential houses, there are thousands and thousands of industries running? They are not declared as industries, they are not declared as industrial areas, but inside the houses in the form of smaller industries so many chemical and other industries are running creating pollution of the worst form. Even in Kanpur, tannery exists in the residential colonies of the city. In Bombay and Calcutta you find the same situation. I do not want to repeat the enormity of the problem which has been illustrated by various speakers in the House, but what I want to say is that many amendments are quite good, but something more has to be thought of in this direction.

Preservation of environment from pollution becomes all the more important for a country which is transforming itself very fast from a backward agricultural economy to a modern industrial economy, where the people are rushing madly to the cities, where they are trying to build up their own resources, their own industries and they want to create their own livelihood. All this struggle is in violation of various laws. So, the whole question is whether in such a society your laws can cope with the situation which is being created everyday. I want to point your attention to this problem.

As I said earlier, pollution is a growing phenomenon. No law can deal with all the situations of the changing phenomenon which under a constraint is evolving every day. One of my friends was saying that a good day will come when under the provisions of this Bill we will be able to prosecute any offenders. But I think my learned friend is mistaken because under this Bill we cannot prosecute. He also talked about so many misapprehensions and interpreted certain provisions of this Bill. I wish that could have been done. This Bill is not very comprehensive. He also said that so far as this Bill is concerned, one good phenomenon has been introduced. In civil law it is called recurring cause of action. In a criminal law you cannot say a recurring cause of action. But

you have created a recurring liability when you say that each day's violation would be punishable with Rs. 5,000. It is a recurring liability. It arises day to day. That is a good aspect of this Bill. In certain cases you have contemplated many good things, for example, in para 14 of the amendment, you have inserted 31A. You have said "the closure, prohibition or regulation of any industry, operation or process or the stoppage or regulation of supply of electricity, water or any other service." That is a good intended enforcement of sanctions against the violation. Apart from this so many other good things have to be noted. Now, we have increased punishment from 3 months to 6 years. That is nothing. The rich men commit a breach of law but they do not get punishment and specially in criminal law that will be a very serious difficulty. My friend, Shri Vishvijit Prithvijit Singh is not correct when he said that we have tried to give an extended meaning. You cannot give a wider meaning or extended meaning when you are interpreting a criminal statute. By the rule of interpretation you are bound to give a narrower interpretation to it. So you cannot say that every shareholder will be liable to get punished. I think even the definition does not say so. It fixes the liability. I do not know precisely from where he was propounding a very basic mistake. "Occupier", in relation to any factory or premises means the person who has control over the affairs of the factory. Not anybody else. My learned friends was correct when he said that other laws dealing with institutions, partnership laws, and company laws cannot be excluded from the purview of this Bill. They will have to be applied to this Bill, otherwise it will be an incomplete Bill. But it is a fact that other laws will have to be taken into account. Their help will have to be sought. But this Bill has made serious effort to stop violation of these laws by industrialists. Well, today people who are in the habit of violating laws get out of their situation. The main thing is enforcement of this Bill. As many speakers have pointed out you have not propounded any machinery of your own. After all for enforce-

ment of every law in this country we are depending on one and the same machinery, namely, the police, the same Magistrate and the same court. Complaints may be A; B; C; D; X; Y; Z; but how does it matter? The law would be the same; the enforcement would be the same; the assessment of evidence would be the same; everything being the same, how far this enhancement from three months to six years will make a change? Any deterrent punishment cannot make a change. I tell you. I have studied Western Criminal Jurisprudence as well as I know the jurisprudence which is being applied. So far as criminology is concerned, the accused goes unpunished because of the basic fault in our machinery which implements the law, because of the high rate of corruption and because of all that but I thank you that you have made an effort in the right direction. Please save the civilization from getting destroyed by pollution before it is being attacked by an atom bomb which I think will never be exploded. But think seriously. Implement this Act seriously. You can declare an area but people create industries in undeclared areas in such a hidden manner that it will be very difficult for you to unearth those industries and punish them.

SHRI JASWANT SINGH: Mr. Vice-Chairman, Sir, most of what had to be said on this particular legislative measure has already been said. What I have to say shall not take long. How much time do I have?

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Ten minutes. Please try to conclude within ten minutes.

SHRI JASWANT SINGH: I will finish well before that. Sir, as I started by saying, most of what had to be said about this Bill has been said, the various clauses have been analysed; we had various Members speak on the importance of the total aspects, of the ecology, environment and a detailed analysis of what is being done and what is not being done has also been said. By and large, this Bill has been welcomed. I have reservations which are easily and succinctly stated.

[Shri Jaswant Singh]

There is a common illusion that legislating a measure is by itself an answer to a problem. We see this tendency in this Government on more than one occasion and in more than one field. It is for this reason, that I have had occasion earlier to mention that this Government specialises in bringing forth a new legislation for every new crime and a new police force for every new criminal. In like fashion, my reservation on what is otherwise an innocuous and necessary measure rests on the thesis that legislating by itself is not an answer to the problem. It is the implementation of the measure that is vital. Without implementation, there is nothing that is achieved. Sir, the next aspect and the next difficulty that I have is somewhat more complex and of a wider concern. In a very moving sentence, the UNESCO's world Conference on World Environment has in its opening sentence, which I think essentially sums up the essence of our concern about the environment and ecology has said: "We have only one earth". Because we have only one earth, we cannot play with this earth. My eminent colleague Shri Ram Chandra Vikal, spoke of what I think is the Indian ethos of the essence of our concern about environment. When we ask someone about where he stays, then we inquire

वहाँ की जलवायु कैसी है ।

It is an ancient recognition of a simple truth and if the earth be one, then we cannot play with the JALVAYU of that earth. Neither 'jal' nor 'vayu' recognises territory. My esteemed colleague, when initiating the discussion on behalf of the ruling party, referred to me kindly because of what I have said 'Air knows no boundary'. There is no boundary by which you can restrict air. There can be geographical limitations between States as there are. But if we have, in the sub-continental sense of India, moved to the recognition of taking a SAARC initiative on environment and ecology and if you expand the same, then it is global requirement and in that global requirement, you cannot recognise boundaries. In that sense,

necessarily and rightly, there is a place for and a legitimacy of such federal, such central legislation. My esteemed colleague, Prof. Nirmal Chatterjee, put his finger on a point which troubles us. There is a provision in this Bill which says that Central Boards could supersede State Boards. Underlining that provision is an arrogant assumption. That arrogant assumption is that somehow the States are deficient and we in the Centre are the repository of virtue and of all wisdom. Those that govern the States have not arrived from a different planet and those that govern the Centre are not necessarily better endowed. It is axiomatic, Sir, and indeed possible that there may be occasion when States are, in fact, better governed, better administered, more responsive to concerns of environment and ecology than these loose labyrinthine mass of the Central Government could ever be. Having made this observation, I must take objection to the other thesis of Prof. Nirmal Chatterjee which is that the federal Government must not, therefore, legislate on this. I in fact, feel that the problem about environment and ecology that we face today in the country is that the two, somewhere, somehow; very soon have to resolve a Constitutional impasse. If air recognises no boundaries, legislatively, constitutionally, you recognise boundaries of responsibility. Then you cannot administer this measure. You cannot administer this measure just as you are failing to administer this Environment Act. Of course, the presumption behind all this is that you have the will to administer it about which I have my doubt. You do not have the will and if you act artificially and create these, you will first have to resolve a Constitutional impasse. From that holistic view, I will come to three very parochial problems and it is my request to the hon. Minister to answer these very specific problem of Rajasthan State. After all, in essence, what is environment and why is this environmental concern? It is an aspect of the total spectrum of the quality of life and unless these are taken care of, the whole quality deteriorates. We have examples like smoking automobiles, smoking buses

of the Delhi Transport Corporation, smoking Indraprastha. But it is not merely Indraprastha or the Delhi Transport Corporation. Hindustan is a very big country and in that very country, I bring to the notice of the hon. Minister three specific examples and I would request him to clarify what the Government is going to do on these three specific examples. Firstly, on Sawai Mahdopur. I have written to the hon. Minister on Sawai Madhopur. I have indeed spoken to him even. The plan is to put up a factory. It is a private factory. I do not want to go into who owns it. It is a complex which is connected with the HBJ pipe-line. It is a kind of oil product. It was originally to be set up 30 kms from Sawai Madhopur sanctuary. I do not want to go into what this Government is going to do to the Sawai Madhopur sanctuary. It is to the west of Sawai Madhopur. The wind direction of Rajasthan is mostly westerly. If it is 30 kms from Sawai Madhopur, a township of 4000—5000 initially, in another 20 years by the time this complex grows, the population in that township might grow to be 25000. Then having grown to be a township of 25000, it would be routine to say: **चलिए गाँव को इस**

**सैंक्चुरी में सेर करने को चलते हैं।**

That is what it will become. That is one aspect. Noise is the second aspect. Encroachment on the sanctuary—it is a park—is the third aspect. The fourth aspect is this. If you set up a chemical complex like this which is based on oil, essentially a chemical how are you going to prevent both the water and air which flow into the Sawai Madhopur Bird Sanctuary from being polluted? It is also of a very serious consequence, to my mind, to the environment of that sanctuary. I have come to learn that because of a great deal of pressure, a great deal of agitation, you have now decided to shift it from 30 kms to about 90 kms. That is my understanding. Will you please clarify what the position of the Government of India is on this? Because, you might be able to establish an oil complex or an oil refinery or a private factory anywhere but you cannot replicate a Sawai Madhopur. That is one. The second example is about Deoghana Bird

Sanctuary at Bharatpur. Deoghana is unique in the country. Next to Deoghana are existing today industries about which Bombay Natural History Society have already brought to the notice of the Ministry but nothing is being done. If you continue to permit those industrial activities next to the Bharatpur Deoghana Bird Sanctuary—Deoghana which is unique in the country—you are going to destroy it. This would not require any legislation. I am asking these questions to establish what actually is the Government doing about matters which concern environmental ecology.

Thirdly, this is very parochial because it relates to my own village. My village, does not have a railway station. The nearest railway station to my village is called Balotra. It is on the banks of Luni river. This is all about Barmer district now. Luni river flows once in about 12 years. It is not perennial. Because of a peculiar combination of the salt contents of the water there, dyeing of fabrics acquires a certain kind of hue and a certain permanence which you cannot achieve elsewhere. Therefore, at three places in Marwar along the banks of Luni, at Balotra which is the nearest railway station to my village, about 7 kms from my village then next at a small township, Pali and the third at Jodhpur itself this dyeing industry has come up. I first raised this matter with the late Mrs. Indira Gandhi. I persuaded her, pleaded with her, that already what this dying industry is causing is a total destruction of the residual drinking water in that area. Because of this, along the banks of the river Luni—river Luni is the only source which provides potable water—all the drinking water wells are going saline; they are getting polluted by the chemical effluent of these factories. Cattle are dying because they tend to drink this water. Cattle abort. Their is higher incidence of cancer, tuberculosis, abortions in women, all this has gone up. I presented her with the entire scientific data of what this dying industry is doing to this part of India. I have been raising this question since 1980 when I first raised it with the



[Shri Jaswant Singh]

late Mrs. Indira Gandhi. In fact this again is another example of how this Government works which says or claims it works faster. I persuaded the then Minister of Environment, Shri Digvijay Singh to visit these sites.

5.00 P.M.

He visited the sites so that he could see for himself what the plight of the people there was.

From 1980 to 1987 now, and it is still the same. Would the Minister please inform me—they have already enough information about this—whether he is aware of this plight? This is a terrible drought year that is there in Marwar and drinking water in the township of Jodhpur comes now once for two hours in every seventy-two; If, in these conditions, you continue to pollute as you are doing now by the continuance of these factories, you are only causing a great *adharma* to us. Thank you very much, Sir.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, Mr. Matto. Only five minutes.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Mr. Vice-Chairman, Sir, this is a classic example of how a very good piece of legislation, a very good measure, is sought to be polluted by a single article which, to my mind, should not have been there. This Bill is an improvement on the 1981 Act and in the Statement of Objects and Reasons, Sir, it is given that under article 253 of the Constitution of India, we have to implement the decisions taken at the UN Conference on Human Environment held at Stockholm in June 1972 in which India participated. Now, what is article 253? Nobody has mentioned that in the House. Now, article 253 reads as follows:

*Legislation for giving effect to international agreements:*

Notwithstanding anything contained in the foregoing provisions of this Chapter, Parliament has power to make any

law for the whole or any part of the territory of India for implementing any treaty, agreement or convention with any other country or countries or any decision made at any international conference, association or other body."

So, this decision was taken in 1972 and Indian is a signatory to this. As a result of this obligation on us, we are now trying to go to the States and deprive them of certain powers. In other words, we are going to Madras, Calcutta, Hyderabad or Srinagar through Stockholm and are going to take over their powers. Such a good measure as this Bill, which was the need of the hour, has been eroded by clause 18 which *inter alia* states that the Central Government can supersede the State Boards. Now, I cannot understand what the need was for such a provision for this otherwise extremely helpful and extremely good Bill. Now, clause 18 says that for section 37 of the principal Act, the following shall be substituted, namely;.... I am sorry; I have to refer to clause 8 and not clause 18. Clause 8 amends section 18 of the principal Act and this clause says:

"Where the Central Government is of the opinion that any State Board has defaulted in complying with any directions given by the Central Board under sub-section (1) and as a result of such default a grave emergency has arisen and it is necessary or expedient so to do in the public interest, it may, by order, direct the Central Board to perform any of the functions of the State Board in relation to such area, for such period and for such purposes, as may be specified in the order.

This is the provision that has been made. Now, Sir, Mr. Prithvijit Singh stated in his speech that it relates to some areas and other areas are left to the state Board to perform any of the functions. Now, there is the Central Board and there is a State Board. The State Board is required to function in a particular area and is not required to function in any other area. This creates all the more friction between the Centre and the States. I think, Sir, this needs to be scrapped.

Now, unfortunately, the Bill has already been passed by the Lok Sabha, otherwise I feel that this was an obnoxious provision; this should have been done away with. A wonderful piece of legislation has been brought. It has been passed. But I see a saving clause in the powers of the Central Government to make rules. I would request the hon. Minister that a provision must be made, which must be in-built in the Rules that whenever a State Board has to be superseded, certain directions to the State Government....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It is already there.

SHRI GHULAM RASOOL MATTO: It is not there. That is my grief. Consultation with the State Government does not figure any where. Honourable Bhajan Lal was the Chief Minister of a State. If a municipality is superseded, the local Administrator is provided by the State Government. Similarly, if a Board does not function in a State, how....

SHRI JASWANT SINGH: I think my esteemed colleague Mr. Matto has a substantial point which is troubling everyone. If the Government considers this as a model legislation to be accepted by all the States, and environment and ecology being of common concern to all of us, why then the Central Government has made such a provision on these lines? If the Government accepts the suggestion, that which is troubling my friend of Mr. Nirmai Chatterjee would be immediately resolved.

SHRI GHULAM RASOOL MATTO: My submission to you would be that unless you can give an assurance that this would be done through the Rules under the Act, it is not possible to implement this clause. The Central Government cannot do without the assistance of the State Government. The State Board has to be administered through the State Government. When the State Government...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): What is the machinery of implementing it?

SHRI GHULAM RASOOL MATTO: The implementation machinery must be the State Government. If you issue a supersession order first and then consult the State Government, it has a different connotation. But if you consult the State Government and tell them that such and such Board is not working Satisfactorily and that they should make some rectification in that, it will be better. My submission to the hon. Minister is that this is a very serious matter. Otherwise this is a beautiful piece of legislation and I congratulate the Minister for it. For instance, in the case of penalties, in the earlier Act, the penalties there was some fine or imprisonment. But now in the legislation brought forward this shall not be less than one year and six months and it may extend to six years' imprisonment. So it is incumbent on the Magistrate that not only he puts the guilty behind the bars but also fine him. So I think this piece of legislation is a very good piece of legislation. But the remedy lies in framing the Rules.

The second point that I want to make is with regard to the Schedule. It is written in clause 3, sub-clause (vi) that it is proposed to omit the Schedule to the Act so as to make the Act applicable to all the industries causing air pollution. I would only request the Minister to kindly tell me, which is the authority to determine which is the industry which causes pollution? There must be some litigation tomorrow and somebody may say that this industry does not cause pollution. There must be an authority which has already declared that such and such an industry is causing pollution. I want a reply on this point. Subject to these reservations, I whole-heartedly congratulate the Minister who has brought forward this very good piece of legislation. I agree with Shri Jaswant Singh Ji that pollution is not only the concern of the Central Government. It is the concern of all the Indians and all the State Governments have a responsibility for the prevention of pollution. I will go a step further. I will say that it is not a question of superseding the State Board. If any State Government defaults in the prevention of pollution, that State Government has no right to exist and that State

[Shri Ghulam Rasool Matto]

Government must be suspended. What I want to emphasise is that there should not be any encroachment on the powers of the State Government. But if the State Government defaults, then that State Government can be dismissed but there should not be any encroachment on the powers of any State Government. If the State Government defaults, then it is a different thing. If the State Government defaults, then it should be done away with but it should be allowed to oversee the functioning of the State Boards as provided in the original Bill Thank you,

**श्री राम अवधेश सिंह :** माननीय उपसभाध्यक्ष जी, यह जो संशोधन विधेयक है माननीय पर्यावरण मंत्री के द्वारा इस सदन में पेश, उसकी भाषा के बारे में कोई शक नहीं है और जिस भाषा में यह संशोधन पेश किया गया है, उसकी बावत मुझको कुछ नहीं कहना है, इसलिए कि भाषा से लगता है कि यह संशोधन विधेयक कुछ करने के लिए है, ज्यादा अच्छे मन से लाया गया है। लेकिन मुझे इस विधेयक की भावना के बारे में शक है कि यह सरकार किस भावना से इसको लाई है, ऐसी जो भाषा है, इसकी जो शब्दावली है, जिससे दण्ड-विधान में परिवर्तन करके कद की सजा बढ़ाना या जुर्माने की राशि बढ़ाना, यह करके हुकूमत बताना चाहती है कि हम इस मामले में कुछ करना चाहते हैं, लेकिन मुझको शक है, इसलिए कि यह सरकार बराबर कोई न कोई संशोधन लाती रहती है। ऐसा कोई दिन नहीं दिखता है सदन में, कि कोई न कोई संशोधन न आया हो, रोज हम किसी न किसी विधेयक के संशोधन पर बहस करते हैं, सुझाव देते हैं और यह संशोधन पास भी होते हैं।

**पर्यावरण और वन मंत्रालय में राज्य मंत्री (श्री जेड आर. अंसारी) :** और यह संशोधन खतम हो जाय तो पार्लियामेंट खतम हो जाएगा।

**श्री राम अवधेश सिंह :** लेकिन उसका कहीं भी अमल देखने में नहीं आता।

यह नो ऐसे है, जैसे थाना बनाया गया है घूस रोकने के लिए, लेकिन आज तक यह सरकार किसी थाने में भी घूस रोकने में अक्षम्य रही है। थाना आज घूस का पर्यायवाची बन गया है-घूस मायने दरोगा और दरोगा मायने घूस। उसी ढंग से यह सरकार के बारे में हम लोगों का जो मन बना है कि यह इसकी नियत साफ नहीं है इसको इम्प्लीमेंट करने में। अगर इम्प्लीमेंट करने की इच्छा-शक्ति हो तब तो कोई हर्ज नहीं है, लेकिन गुंझे शक है एक ही कि माननीय मंत्री जो बहुत कलाकार हैं, ऐसे कलाकार हैं, कलाबाज हैं कि...

**उपसभाध्यक्ष (श्री जगेश देसाई) :** कलाकार हैं कि कलाबाज हैं ?

**श्री राम अवधेश सिंह :** कलाबाज। यह देश में चर्चित है अपनी कलाबाजी के लिए। तो मुझे डर लगता है कि जो संशोधन छह महीने से डेढ़ साल करके और 10,000/- तक दण्ड में वृद्धि करके आप जो उद्योगपति हैं, उनको छोड़ी दिखाकर और उस पर दबाव डालकर कुछ दूसरा काम न करें। इस बात का मुझे भारी शक है। जो यह सरकार है, इस पूरी सरकार पर शक है। हमारे यहाँ एक कहावत है। एक राजा का मंत्री था। वह घूस लेने में बहुत बदनाम था। राजा ने उसे बतलाया कि तुम घूस लेते हो। तुम लहरें गिनती और वह लहरें गिनने लगा। मशहूर के किनारे जहाँ बहुत-से जहाज आते थे वहाँ वह बैठ गया और उनके चालकों से उसने कहा कि तुम लोग किनारे पर नहीं आओ। मुझे लहरें गिनना है। अगर लहरें चली जाएंगी तो गलती होगी और मुझे दिक्कत होगी। अब जहाज आलों का सामान सड़ने लगा। उन्होंने कहा कि भाई पैसा ले लो। वहाँ भी वह पैसा लेने लगा। उसी तरह थे इंडस्ट्रियलिस्ट्स को कहा जाएगा कि देखो तुमको सजा कर देंगे। तो मुझे डर है कि कहीं इस तरह से न हो जाय। अगर यह पूरी धिल पावर से करें तो हम लोग इनकी पीट थपथपाएंगे।

महोदय, यह जो प्रदूषण की समस्या है यह विश्वव्यापी है। इस समय दुनियां को दो चीजों से खतरा है। एक तो प्रदूषण से हवा और पानी में कार्बन-डाय-ऑक्साइड की वृद्धि से और दूसरे परमाणुविक आयुद्धों से। इस विषय पर काफी बहस हुई है। इस पर दुनियां के संवेदनशील राष्ट्र जोकि मजबूत और औद्योगिक राष्ट्र कहे जाते हैं, उन लोगों ने बहुत चिन्ता जतायी है। अग्नी प्राविजनल वर्ल्ड पार्लियामेंट की एक मीटिंग हुई थी, मैंने भी वह अटेंड की थी, उसमें यही दो विषय थे। एक था कि परमाणुविक शक्ति के चलते दुनिया का विनाश हो सकता है और कार्बन-डाय-ऑक्साइड की मात्रा हवा में इतनी बढ़ती जा रही है कि इस सदी के अंत तक पूरी दुनिया में विश्व-व्यापी अकाल पड़ सकता है। इधर हमने यह भी देखा है कि कार्बन-डाय-ऑक्साइड और मोनो-डाय-ऑक्साइड की वृद्धि से पृथ्वी पर गर्मी धीरे-धीरे बढ़ती जा रही है। पिछले सौ वर्ष में दो सेंटीग्रेड गर्मी धरती पर बढ़ी है। पिछले पचास वर्षों में, सौ साल के बाद जो पांच डिग्री हैं, उसमें पांच सेंटीग्रेड बढ़ी है। तो इस तरह से गर्मी बढ़ती जा रही है और ऐसी (समस्या की घंटी) संभावना है कि सदी के अंत तक, 21वीं सदी के अंत तक यह दुनिया इतनी गर्म हो जाएगी कि इस पर रहना मुश्किल हो जाएगा। इसलिए इस दुनिया में मानवता को बचाने के लिए, केवल मानव के लिए नहीं बल्कि इस धरती पर जितने जीव-जन्तु हैं, उनको बचाने के लिए और मही ढंग से मानव सभ्यता का विकास करने के लिए आवश्यक है कि कार्बन-डाय-ऑक्साइड की मात्रा में कमी की जाये। हवा और पानी के प्रदूषण को रोका जाये। (समस्या की घंटी)।

महोदय, अभी थोड़ा समय और चाहिए।

उपसभाध्यक्ष (श्री जगेश देसाई) : नहीं आप एक मिनट में समाप्त करें।

श्री राम अवधेश सिंह : अभी तो तीन मिनट ही बाला हैं।

उपसभाध्यक्ष (श्री जगेश देसाई) : आपके आठ मिनट हो गए हैं एक मिनट और बोल लीजिए।

श्री राम अवधेश सिंह : महोदय, मैं चाहता हूँ कि हमें युद्ध स्तर पर वृक्ष लगाने का काम करना चाहिए। इस काम को भारत सरकार अपने हाथ में ले। अब जैसे सेंट्रल बोर्ड बन रहा है, उसमें मेरा सुझाव है कि अधिकारी शक्तियों का दुरुपयोग न करें इसलिए सेंट्रल बोर्ड में संसद सदस्यों को रखा जाये। ताकि उस पर कारगर कंट्रोल हो सके। अगर संसद सदस्यों को उस में नहीं रखा जाता है, खाली अफसर ही उस में रहेंगे तो वे अपने ढंग से काम करेंगे जैसी कि उनको आदत होती है। तो मेरी पुरजोर मांग है कि जो सेंट्रल कंट्रोल बोर्ड बने उसमें संसद सदस्य रखे जाये और कुछ ऐसे वृक्षों की ईजाद की जाये कि जो जल्दी से उगे और जहाँ बहुत सी इंडस्ट्रीं लग रही हैं उन वृक्षों को वहाँ लगाया जाये ताकि वे धुएँ को कंट्रोल कर सकें। तीसरी और सब से जरूरी बात है सरकार की जिम्मेदारी की। ट्रैफिक से जितना धुआँ निकलता है इंडस्ट्रीज से उतना नहीं आता। एक जेट विमान जितना धुआँ छोड़ता है वह 400 फिट कारों के बराबर प्रदूषण करता है। इस लिये मैं बहुत चाहत हूँ कि अमरीका में ऐसी कारें ईजाद की गयी हैं कि जिन से धुआँ नहीं निकलता। आप कार इंडस्ट्री में गैजेटेड डिजाइन कर डिये। टाटा विल ऑन लेलेड का जो कार इंडस्ट्री है उन पर दबाव डालिये कि वे या तो अपने कारखानों को बंद करें या उन को माडर्नाइज करें।

उपसभाध्यक्ष (श्री जगेश देसाई) : अब आप खतम करिये।

श्री राम अवधेश सिंह : आप छाटा मछलियों को पकड़ते हैं और बड़ी मछलियों को जैसे टाटा हैं, बिरला हैं, जो डिजिल के ट्रक बताते हैं उन की ओर नहीं देखते कि वे कितना धुआँ छोड़ने वाली गाड़ियाँ बनाते हैं आप उन को कहे कि इंडस्ट्री का माडर्नाइजेशन करें। ऐसी तकनीक की कारें बनायें कि वे ज्यादा धुआँ न छोड़ें। दिल्ली में 200 टन कर्वन

## [श्री राम अवधेश सिंह]

डाई आक्साइड प्रति दिन के हिमाव से गाड़िया छोड़ती है। तो इस से आप ग्रंदाजा लगा सकते हैं कि कितना प्रदूषण होता है। दंड का प्रावधान जो है उस के लिये वे छोटे इंडस्ट्रियलिस्ट्स पर हाथ न डालें, बड़ों को पकड़ें। मैं मंत्री जी से कैंटे-गोरिकली जवाब चाहता हूँ कि टाटा, बिरला लेलैंड, फ़ियेट और मासूति की जो कंपनियाँ हैं वे अपनी गाड़ियों की तकनीक को ऐसा आधुनिक बनायेंगे ताकि वे धुआँ कम छोड़ें और बड़ों से जो कार्बन डाई आक्साइड निकलती है वह कम हो।

मैं मंत्री जी का धन्यवाद करता हूँ कि उन्होंने इस बिल की भाषा का प्रगतिशील रखा है, लेकिन मेरी भावना अभी भी इस सरकार के खिलाफ है।

SHRIMATI BIJOYA CHAKRAVARTY (Assam): Mr. Vice-Chairman, Sir, while standing here I remember one story of Mahabharata, where Yamraj asks a question to Yudhishtira, what is the most surprising aspect of human life. Yudhishtira had his own reply. If that question happen to put me I would have said that the most surprising aspect of human life is that we are still surviving and we are still giving birth in spite of so much pollution in the country.

In England this realization regarding pollution came probably in 1952 and they probably passed a Bill in 1956 and I can very well remember a poem by William Blake, the name of the Poem is: DID THOSE FEET, and in that poem William Blake described that all the mills as satanic because they spread smoke in green valleys, and he wondered then whether the feet of Jesus Christ would ever visit again the English countryside or not. I think industrialisation in our country is both a blessing and a curse.

We know what happened in Bhopal. We know how much pollution is caused by cement factories and refineries. We know the amount of carbon monoxide emitted by vehicles. All these things pollute the atmosphere and make it impossible for human beings to lead a healthy life.

Sir, we have seen unprecedented deforestation in this country. I think this causes ecological imbalance. We have seen how forests have been turned barren by unscrupulous traders. That is why I would plead for stringent measures. Those who cut forests should be punished severely. There should be rigorous imprisonment for such people ranging between ten and twenty years. As you know, it is the trees which give us rain and life. In Cherrapunji, which is known for the highest rainfall in the whole world, the rainfall has become scanty now; it is less than what people in Shillong get. This is because of deforestation. Therefore, I welcome this Bill. I hope the Environment Ministry will do its best to keep our forest and green areas intact and see that no industry is allowed to come up in and around such areas.

We have air pollution, water pollution and noise pollution. One hon. Member talked about pollution of culture. But I am sorry to say that a very few Members are present here when we are discussing such an important Bill. Sir, Ganges is no more pure. In this connection, I welcome the Ganga Action Plan of the Government for cleaning the river. You know that Raj Kapoor produced a film by name 'Ram Teri Ganga Maili'. You are taking up a programme in regard to the Ganges. But what about Brahmaputra? What about Yamuna? What about other rivers? Such action programmes should be taken up in the case of each and every river. Even now, in many places, the people are taking polluted water from rivers and ponds. We have seen the tragedy in Bhopal. Two thousand people died. Two lakh people are still suffering from the efforts of this tragedy. Many children are still born. They are aborted. We know people who live near cement factories and refineries suffer from conjunctivitis, cancer, and other diseases.

Sir, the mushroom growth of industries should be stopped and effective measures should be taken to control pollution. Before granting a licence, it should be ensured that effective

anti-pollution measures have been taken by the concerned industry. Here, I will give an example of Assam. Refinery and fertiliser plant in Namrup cause much pollution in Assam. Because of pollution from these plants, thousands of acres of land have turned barren. When we are going towards the Twenty-first Century, why should we allow these industries to pollute the country? I would suggest that we should have a wider perspective in this bill so that the offenders are brought to book promptly. I feel that there should be complete coordination between the Industry Ministry and the Ministry of Environment and Forests. Lack of this coordination makes the Bharatpur sanctuary facing extinction. If legislations are made only for academic purposes, it is better not to make them. I hope that this piece of legislation will not remain only on paper, but it will be implemented for the betterment of all in this country.

श्री भजन लाल : माननीय उपसभाध्यक्ष महोदय, ये सभी माननीय सदस्यों का आभार प्रकट करता हूँ कि सभी माननीय सदस्यों ने डेप विल का तत्कालीन स्वागत किया है। एन. राय कहान को छोड़ कर सभी ने इसका समर्थन किया है उस के लिए मैं सभी माननीय सदस्यों का हृदय से आभार प्रकट करता हूँ।

आप जानते हैं कि पर्यावरण की समस्या अकेले हमारे देश की ही नहीं है। पर्यावरण की समस्या सारे विश्व की, सारी दुनिया की, सारे संसार की है। सारा संसार इस बात के लिए चिन्तित है कि अगर इस पर्यावरण पर प्रदूषण पर सही कंट्रोल नहीं किया गया तो मानव के लिये जीना मुश्किल हो जायेगा। आज पश्चिमी मुल्कों ने बहुत तेजी से तरक्की की है, डवलपमेंट की है लेकिन आज वह मुल्क भी यह महसूस करते हैं कि तरक्की तो हम कुछ कम भी कर लेते तो भी कोई फर्क नहीं पड़ने वाला था लेकिन तरक्की करने के साथ-साथ तरक्की की वजह से मुल्क का जो वायुमण्डल खराब हो गया उस को कैसे साफ किया जाये। आज

दुनिया के आँकड़े उठा कर देखें तो दुनिया में 90 परसेंट लोगों को स्वच्छ पानी और स्वच्छ हवा मिलती है। साढ़े 90 परसेंट लोगों को गन्दी हवा और गन्दा पानी मिलता है। ये लोग स्वच्छ हवा और पानी में वंचित हैं। यह कोई छोटी समस्या नहीं है। इन्सान के लिए सबसे ज़रूरी अगर कोई बात है तो वह है सेहत। अगर इन्सान की सेहत नहीं है तो कुछ भी नहीं है। किसी कवि ने कहा है: पहला सुख निरयोणी काया। यानी पहला सुख यह है कि इन्सान के शरीर का कोई रोग नहीं होना चाहिए। काया शरीर को कहते हैं। बाकी सुखों में दूजा सुख पाया का, तीजा सुख अज्ञा करो पुत्र और चथा सुख पतिव्रतः नारी का। अगर एक ही सुख मिल जाये यानी इन्सान की सेहत ठीक है तो सब कुछ ठीक है। सेहत ठीक होगी तो इन्सान अपने हाथ से कमा कर सब कुछ कर सकता है। सेहत ठीक होगी तो पुत्र भी अज्ञाकारी होगा, हम नें लाठी होगी तो पुत्र भी ठीक काम करेगा। फिर कहते हैं चौथा सुख पतिव्रता नारी का। नारी पतिव्रता सभी रहेगी जब इन्सान की सेहत ठीक रहेगी। मैं तो कहता हूँ कि सब बातें सेहत के साथ जुड़ी हुई हैं। अगर इन्सान की सेहत ठीक नहीं है तो कुछ भी ठीक नहीं है। आज सेहत ठीक करने का सबसे बड़ा मसला है पर्यावरण। इस पर्यावरण को कैसे ठीक रखा जाय इसी बात को लेकर हमारी स्वर्णिय प्रधान मंत्री श्रीमती इन्दिरा गांधी ने 1972 में स्टाकहोम में.....

श्री राम अश्वेश सिंह : इसीलिए आप को सत्री पर्यावरण बना दिया गया है।

श्री भजन लाल : आप सुन लीजिए सीरियस बात हो रही है। जब आप बोल रहे थे तो मैं ने कुछ नहीं कहा।

श्री राम अश्वेश सिंह : मैं यह कह रहा हूँ कि इसको अच्छा करने के लिए ही आपको बनाया गया है।

श्री भजन लाल : मैं आप को तारीफ कर रहा हूँ। मेरा कहने का मतलब यह है कि आज सारी दुनिया इस बात

[श्री भंजन लाल]

की चिन्ता में है। स्वर्गीय प्रधान मंत्री श्रीमती इन्दिरा गांधी जी ने इस बात पर बड़ा जोर दिया था। आज हमारे युवा प्रधान मंत्री श्री राजीव गांधी जी को भी इस पर बड़ी चिन्ता है। आपने देखा होगा कि जब हमारे प्रधान मंत्री बाहर गये थे तो बाहर के मुल्कों में भी इस बात की चर्चा बहुत ही जोर से की थी। और हम भी इस बात को महसूस करते हैं और हमारा देश भी महसूस करता है कि पर्यावरण शुद्ध होना चाहिए। माननीय सदस्यों ने अपनी सही भावनाएं और सही उद्गार हाउस में रखे हैं। सभी सदस्य चाहते हैं, दिल से चाहते हैं कि मुल्क का वातावरण ठीक हो, वायुमंडल ठीक हो। मैं यह कहना चाहता हूं कि किस तरह से पर्यावरण में शुद्धि आए, इसी बात को लेकर आज सदन में यह बिल लाया गया है। इस बिल को लाने में थोड़ा समय जरूर लगा है। समय लगने का कारण भी था। आप जानते हैं कि हमने सारे प्रदेशों से मशविरा किया, उनकी राय ली। कुछ माननीय सदस्यों ने कहा कि राज्यों में राय नहीं ली गई, लेकिन मैं कहना चाहता हूं कि राज्यों से राय लेकर ही यह बिल यहां पर लाया गया है। हमने प्रदेशों के सलाहों पर पूरी तरह से विचार किया है। सारे प्रदेशों ने इस बिल के बारे में बड़ी अच्छी भावना रखी है और कहा है कि इस बिल पर कठोरता के साथ काम किया जाना चाहिए। इन्होंने सब बातों को ध्यान में रख कर यह बिल सदन में लाया गया है।

इस बिल के संबंध में सबसे पहले बोलते हुए मेरे सम्मानित सदस्य श्री निर्मल चटर्जी, जो बड़े लायक और बहुत पुराने सदस्य हैं, उन्होंने बहुत अच्छी बातें कही। उन्होंने जो खदसा जाहिर किया है उसका जवाब हमारे मित्र श्री पृथ्वीजित सिंह ने प्लेनली इंग्रिश और धारा-वार दिया है। उन्होंने उनकी एक एक बात का जवाब दिया है। इस तरह से उन्होंने मेरा टाइम बचा दिया है।

उन्होंने पूरी तसल्ली के साथ उनकी बातों का जवाब दिया है। लेकिन फिर भी मैं इतना जरूर कहना चाहूंगा कि आपने जो तीन महीने की सजा की बात कही है और जो जुर्माना पांच हजार रुपये तक है, वह तो पुराने एक्ट में था। नये एक्ट में उसको तबदील करके उसमें डेढ़ साल से लेकर पांच हजार रुपये तक जुर्माना कर दिया है और यह कम से कम है, ऊपर में पांच साल तक सजा है। अगर आदमी फिर दोबारा पकड़ा जाता है तो उसको दो साल से लेकर सात साल तक कैद हो सकती है और पांच हजार रुपये प्रति दिन जुर्माना रखा है। कोई आदमी अगर नहीं रुकेगा तो उसको प्रति दिन पांच हजार रुपये जुर्माने के देते पड़ेंगे।

आपने जो दूसरा खदसा जाहिर किया है कि हो सकता है कि कोई उद्योग-पति खुद तो बच जाय और किसी बाबू या क्लर्क को पकड़ा दे। यह बात भी सही नहीं है। किसी फैक्टरी का जो मैनेजिंग डायरेक्टर होगा, एक्जीक्यूटिव आफिसर होगा, जो फैक्टरी को रन करता होगा, जो उसका इंचार्ज होगा उसका बाकायदा चालान किया जाएगा, उसके खिलाफ कार्यवाही होगी। क्लर्क या बाबू की इसमें कोई बात नहीं है। इस सिलसिले में एक बड़ी बात यह भी की गई है कि कोई भी प्राइवेट आदमी बाकायदा केस दायर कर सकता है। उसके लिए साठ दिन के नोटिस का प्रावधान किया गया है। कई दफा पार्टीवाजी के कारण या ट्रेप भावना से भी केस किये जाते हैं। इसलिए डिपार्टमेंट इस बात को देख लेगा कि यह केस ठीक है या नहीं और यह कामयाब होने वाला है या नहीं। इस बात को लेकर साठ दिन का समय दिया गया है। डिपार्टमेंट इस बात को देखेगा कि उसमें कोई कमियां तो नहीं हैं और उन कमियों को दूर किया जाएगा। पूरी कानूनी सलाह लेकर कोर्ट में जाएंगे ताकि किसी वजह से भी कानून में कमियों का कोई फायदा न उठा सके।

श्री राम शंभूधर सिंह : कितने दिनों में कोर्ट इस का फैसला कर देगा, इस बारे में भी कुछ बताइये।

श्री भजन लाल : : कोर्ट के बारे में हम कैसे कह सकते हैं। कोर्ट का काम दूसरा है।

श्री विश्वजित पृथ्वीजित सिंह : ये तो बिना सोच के बोलते हैं, इसमें इनकी कोई गलती नहीं।

श्री भजन लाल : मैं इनके बारे में क्या कहूँ, मेरी ऐसी भाषा नहीं है कि मैं इनके बारे में कुछ कहूँ। गांवों में एक बड़ोड़ा होता है। उससे कोई गुड़ निकालने की कोशिश करे तो गुड़ नहीं निकलता है। उसमें से तो गोसे ही निकलते हैं। उसकी शकल गुड़ की भेली की तरह ही होती है।

इन्होंने दूसरा सवाल कोर्ट का किया है। महोदय, बाकायदा इसमें प्रावधान है। इसको परख्य किया जायेगा और जल्दी से जल्दी निपटारा करके इसका फैसला करवाया जायेगा ताकि इसमें देरी न हो। इसके लिये बाकायदा हम अलग से एक सेल बनायेंगे ताकि इसमें देरी न हो।

एक खदसा उन्होंने और कई अन्य माननीय सदस्यों ने जाहिर किया कि जो राज्य बोर्ड हैं उनके अधिकार केन्द्रीय बोर्ड क्यों ले। वाइस-चेयरमैन साहब हमारी कोई ऐसी मंशा नहीं है। हमारी केवल मंशा यह है कि इस कानून को हम दृढ़ता से लागू करें। अगर स्टेट गवर्नमेंट थोड़ी ढिलाई करे या किसी खास फैक्ट्री के साथ कोई रियायत करे तो उस वक्त हम इसके बीच में आयेंगे ताकि उसके खिलाफ कार्यवाही हो सके। कार्यवाही रोकने की हमारी कोई मंशा नहीं है। अगर कोई किसी को जानबूझकर बचाना चाहे या कार्यवाही न करे तभी हम आयेंगे और इसीलिए ऐसा प्रावधान किया गया है ताकि उसके खिलाफ कार्यवाही हो सके या जानबूझ कर किसी के साथ बदले की भावना से कार्यवाही करे तो उसे रोके। इसमें खल देने का कोई मवाल ही पैदा नहीं होता। हम चाहते हैं कि मजबूती के साथ यह एक्ट लागू हो और मलक में जो प्रदूषण फैल रहा है उस प्रदूषण को

संशुद्धि से रोके और इस बात की किसी को शिकायत न हो। केन्द्रीय बोर्ड तभी बीच में अयेगा जब उस पर अमल न हो और वह उस पर अमल करवायेगा, यह इसलिए किया गया है।

उपसभाध्यक्ष (श्री जगेश देसाई) : सुपरसेशन की बात कही है।

श्री भजन लाल : सुपरसेशन का सवाल ऐसा है अगर स्टेट बोर्ड उसको न करें तो फिर केन्द्रीय बोर्ड उस पर कार्यवाही करेगा।

इसी तरह से विश्वजित सिंह जी ने सारी बातें बहुत सुन्दर तरीके से कहीं हैं और एक-एक बात का पूरा खुलासा देकर उन्होंने इस बिल का बहुत शानदार शब्दों में समर्थन किया है। एक-दो खदसों का जो उन्होंने जिक्र किया है वह उद्योगों पर प्रतिबंध लगाने के बारे में, धारा 21, मूल अधिनियम की धारा 21 के बारे में मैं इतना ही कह सकता हूँ कि राज्य सरकार को वायु प्रदूषण नियंत्रण के क्षेत्र घोषित करने का अधिकार देती है, इसे बनाये रखा गया है। इसके द्वारा राज्य सरकारें प्राथमिकता के आधार पर प्रदूषित क्षेत्र में कार्यवाही कर सकती है। यह धारा 21 में है।

उपसभाध्यक्ष महोदय, एक इसमें खदसा जाहिर किया गया ध्वनि प्रदूषण के बारे में। विश्वजित सिंह जी ने कहा है कि ध्वनि प्रदूषण की सीमा निर्धारित की जानी चाहिए। यह ठीक है, शोर की सीमा को हम निर्धारित करेंगे। आज यह बड़ा भारी मुसला है। आज जिस तरह का शोर है आप जानते हैं कि इससे लोगों का जीना दुर्लभ हो गया है। चाहे लाउड स्पीकर का कह दीजिए चाहे दूसरी चीजों का, वाहनों का वह दीजिए फैक्ट्रीयों का वह दीजिए... (अध्यक्ष) भाषण का तो नहीं कह सकता लेकिन यह भी हो सकता है, कुछ साथी कह सकते हैं इससे लोगों को तकलीफ होती है, सभी मंदिरों, मस्जिदों, गुरुद्वारों में जो लाउड स्पीकर से बोलते हैं उससे भी शोर होता है और इससे जो बच्चे पढ़ने वाले होते



[श्री भजन लाल]

हैं उनकी पहाई में बाधा पैदा होती है, इसलिए इसकी भी सीमा निर्धारित की जायेगी। शामन इस बारे में अध्ययन कर रहा है और इसके पूरे मानक तैयार करके लागू करेंगे।

श्री स्वामीनाथन जी ने धुएँ के प्रदूषण के बारे में बात उठाई। आप जानते ही हैं और इसमें कोई दो राय नहीं है कि आज जो बड़े-बड़े महानगर हैं, दम महानगरों में कितना भारी प्रदूषण है। जहाँ हम इस समय बैठे हैं, दिल्ली महानगरी में, इसी में 11 लाख वाहन हैं... (ब्रवधान)... गाड़ियाँ, कारें, बसें। जब 11 लाख वाहन किसी शहर में हों तो आप अंदाजा लगाइये कि उनसे कितना धुआँ निकलेगा। 11 लाख गाड़ियाँ दिल्ली में है। आज 11 लाख पाँच साल पहले, जिम तरह से जन-गणना होती है उसी तरह से वाहनों की गणना कराई गई थी तो उस समय 8.71 लाख वाहन थे लेकिन आज दिल्ली में 11 लाख वाहन हैं। उनसे जो धुआँ निकलता है कितना प्रदूषण होता है। यह आप जानते हैं। आप शाम को जब जाएंगे तो देखेंगे कि जैसे धुन्ध आ गई है। वैसे धुन्ध का कोई सवाल नहीं है लेकिन यह सारा धुआँ वातावरण में दिखायी देता है जो वाहनों से निकलता है। हमने इसके भी मानक निर्धारित कर दिये हैं। मुझे उम्मीद है कि इसी सत्र में मोटर व्हीकल एक्ट आने जा रहा है और उस में यह प्रावधान किया गया है कि डीजल और पेट्रोल द्वारा चलने वाले वाहन जो धुआँ निकालते हैं उन में जो कार्बन के कण निकलते हैं जिसका कार्बनमोनोक्साइड कहते हैं उसकी सीमा को हमने निर्धारित कर दिया है। इसके लिए हमने राज्य सरकारों को भी लिख दिया है। मैं इसके लिए महाराष्ट्र सरकार को बधाई देना चाहता हूँ कि उन्होंने बम्बई में सब से पहले कार्यवाही कर दी है। दिल्ली में भी यह काम हो रहा है लेकिन पूरी तरह से अभी तक नहीं किया गया है। इस में हम ने यह भी प्रावधान किया है कि अगर कोई निर्धारित मानक के बाहर चलेगा तो उस गाड़ी

का रजिस्ट्रेशन कैंसिल हो जाएगा। कोई भी वाहन यदि निर्धारित मानक से अधिक धुआँ निकालेगा तो वह वाहन सड़क पर नहीं चल सकेगा। इसी तरह से आगरा का जिक्र किया गया कि वहाँ पर आयल रिफाइनरी की वजह से ताजमहल के संगमरमर का रंग बदल गया है। मैं यह कहना चाहता हूँ कि यह अकेले रिफाइनरी की बात नहीं है वैसे कोयले से चलने वाले वहाँ उद्योग भी हैं लोहा उद्योग भी है। इसके लिए हमने कार्यवाही की है और रिफाइनरी से निकलने वाले सल्फर का भी हमने प्रबन्ध किया है। आगरा में एक ताप बिजली घर भी हमने बन्द किया है ताकि उस में बाकायदा ट्रीटमेंट प्लांट लगाया जाए और कोई भी प्रदूषण वाला पानी गैस या धुआँ उस में से नहीं निकले। इसी तरह से गुल्फद-स्वामी जी बहुत लायक दोस्त हैं बहुत काबिल हैं इन्होंने इस बिल के बारे में बहुत अच्छी बातें कही हैं। उन्होंने सेवेदन-शील क्षेत्रों के लिए निर्धारित किये गये स्तर के विषय में जानना चाहा। मैं उनको यह बताना चाहता हूँ कि मुख्य वायु प्रदूषण जो सीमेंट ताप बिजलीघर इस्पात उद्योग आदि से जो लिस्ट में शामिल है इन से होता है। पहले तो इस लिस्ट में केवल 13-14 या 15 किस्म की इंडस्ट्रीज ही थीं लेकिन अब चाहे कोई भी फैक्टरी हो या उद्योग हो सब के लिए यह आवश्यक है कि जब भी कोई फैक्टरी लगाएगा तो पहले उसको अंडरटेकिंग देनी होगी। लाइसेंस की चिट्ठी या लेटर आफ इंटेंट उसको तब मिलेगा कि वह अपनी फैक्टरी के साथ-साथ ट्रीटमेंट प्लांट भी लगायेगा प्रोजेक्ट में शामिल करेगा। प्रोजेक्ट की अप्रूवल तब मिलेगी जब ट्रीटमेंट प्लांट का प्रावधान बीच में होगा। फैक्टरी तब चालू होगी जब बाकायदा उस में ट्रीटमेंट प्लांट लग जाएगा और वह डिपार्टमेंट को दिखाएगा कि माहब चल कर के आप टेस्ट कर सकते हैं। तब उसको प्रोडक्शन करने की इजाजत दी जाएगी। उससे पहले नहीं दी जाएगी। इन्होंने कहा कि देश में कितने लोगों के खिलाफ अब तक कार्यवाही की गई है। मैं बताना चाहता हूँ कि मुल्क में सीमेंट की टोटल 102 फैक्टरीज हैं। 102

फैक्टरीज में से 32 फैक्टरीयों ने पूरी तरह से ट्रीटमेंट प्लांट लगा लिये हैं।

सारे देश की फैक्टरीज के मालिकों की एक मीटिंग हमने एक साल पहले बुलाई थी हमने उनसे एग्रीमेंट करवाया है कि दिसम्बर, 1988 के बाद इस मुल्क में कोई भी सीमेंट फैक्टरी आपको ऐसी नहीं मिलेगी जिससे कोई प्रदूषण होना हो चाहे वह प्रदूषण पानी का हो या हवा का हो या बायोसफ़्ट का हो जो सीमेंट से बहुत ज्यादा निकलती है। दिसम्बर, 1988 के बाद आपको सीमेंट की फैक्टरीज से किसी भी प्रकार का प्रदूषण नहीं मिलेगा। हमने जिन लोगों के खिलाफ कार्यवाही की है वह तकरीबन 1100 के करीब की है जो बड़ी बड़ी फैक्टरीज हैं लेकिन इनमें से करीब 300 फैसले हो चुके हैं बाकी कैसेज पेडिंग हैं अदालतों में। लेकिन इसके लिए कानून बनने के बाद हम बाकायदा अलग से एक विंग बनाकर के जैसे जैसे पहले कहा कि जो भी कोर्ट में कैसेज हैं उनका जल्दी से जल्दी निपटारा कराया जाए और उनके खिलाफ एक्शन लिया जाए ताकि किसी प्रकार की कोई क्लॉबट न हो और देरी न हो।

इसी तरह से कुछ माननीय सदस्यों ने पेड़ों के बारे में कहा... (व्यवधान) पेड़ों का जहां तक ताल्लुक है, आज मुल्क में सबसे अगर जरूरी है तो पेड़ों की कटाई का सवाल है, यह बड़ा भारी चिंता का विषय है। आज सूखे की समस्या भी पेड़ों की कटाई की वजह से है और बाढ़ की समस्या भी उसी वजह से है। जहां पेड़ नहीं हैं वहां सूखा पड़ता है और जहां पहाड़ों पर पेड़ों की कटाई होती है वहां जब बरसात होती है तो नीचे पानी आकर, बहकर बाढ़ की शकल अख्तियार कर लेता है। पेड़ों की रक्षा करना एक बड़ा भारी मसला है। पर्यावरण को शुद्ध करने का मसला, जब तक हमें आपका सहयोग नहीं मिलेगा, जब तक जागृति नहीं पैदा करेंगे तब तक हल होने वाला नहीं है। कर्नाटक और तमिलनाडु के बारे में जिक्र किया। बड़ी अच्छी बात की उन्होंने, अगर ऐसा

किया तो कर्नाटक ने कि अगर कोई पेड़ काटता है तो कहते हैं कि पेड़ आपका नहीं है। यह ठीक बात है पेड़ों के बारे में दो मिनट में एक बात कह देना चाहता हूं। इतिहास की बात आपके सामने बताना चाहता हूं। राजस्थान में जोधपुर डिस्ट्रिक्ट में एक गांव है खेजड़ली आज से 3 सौ साल पुराना यह इतिहास है। महाराणा जोधपुर ने अपने मंत्री से कहा कि आप पेड़ काटकर लाओ। उन्होंने कहा कि पेड़ तो कहीं नहीं मिलेंगे। कुछ गांव हैं यहां बिश्नोई बिरादरी, के, बिश्नोई लोगों के हैं लेकिन उनमें पेड़ काटने की मनाही है, वहां पर पेड़ आपको मिल सकने हैं लेकिन वे काटने नहीं देते हैं। महाराजा ने कहा काटकर लाओ यह मेरा आदेश है। महाराजा के मंत्री हरकारे और फौज लेकर वहां पेड़ काटने गये। ज्यों ही पेड़ काटने की आवाज सुनी अन्दर से एक औरत आई और कहा यहां पेड़ काटने की मनाही है। जसवंत सिंह जो यहां पर बैठे हैं वे जानते हैं यह जोधपुर राजस्थान की बात है। उन्होंने कहा हम पेड़ नहीं काटने देते हैं, हमारे धर्म में मना है। पेड़ में जीव है। जैसे इन्मान को कोई मारे तो लाल खून निकलता है इसी तरह से वृक्ष से हरा पानी निकलता है जिसको हम खून मानते हैं। यह जीवित होता है। एक पेड़ को काटना 10 आदमियों की हत्या के बराबर है। हम काटने नहीं देंगे। जब नहीं माने और काटने लगे तो वह औरत उस पेड़ से लिपट गई। पहले उसके पैर काटे गये फिर धड़ काट दिया गया फिर उसकी दो लड़कियां आईं उनका भी मार दिया गया। सारे इलाके में बड़ा शोर मच गया, सारे इलाके से, हजारों आदमी इकट्ठे हो गये। लोगों ने फैसला किया कि राजा की फौज से तो हम लड़ नहीं सकते हैं लेकिन ज्यों ही एक पेड़ कटेगा हम एक आदमी का सिर धड़ से अलग कर देंगे। 69 औरतें शहीद हो गईं उसमें, टोटल 363 लोगों ने शहीदी दी, 363 पेड़ कटे, ज्यों ही एक पेड़ कटता था, औरतें कहती थीं पहले मेरा सिर काटो मर्द कहते थे कि पहले मेरा सिर काटो।

[श्री भजन लाल]

363 आदमी शहीद हुए। इतिहास में ऐसी कोई मिसाल नहीं मिलेगी कि पेड़ों की रक्षा के लिए इतने लोगों ने बलिदान दिया हो। लोगों को फांसी के तख्ते पर लटकाया गया, फांसी नोड़ा गया, बड़े से बड़े जुल्म और ज्यादतियाँ की गयी हैं लेकिन ऐसी मिसाल इतिहास में नहीं मिलेगी कि एक पेड़ के बदले एक आदमी अपना सिर दे दे और हजारों आदमी इकट्ठे होकर लाइन में खड़े हो जायें, मर्द, औरत और बच्चे और कहें कि पहले मेरा सिर काटो, पहले मेरा सिर काटो। जोधपुर से 20 मील दूर वह गांव है। आज भी लाखों आदमी वहाँ इकट्ठे होते हैं। हर साल मेला लगता है, शहीदों को श्रद्धांजलि देते हैं। आज भी वह जमीन लाल है। पेड़ों की रक्षा की बात आज से 500 साल पहले जुम्हेश्वर महाराजजी ने कही थी, उन्होंने कहा था कि पेड़ों को बचाना हर मानव का कर्तव्य है, इसलिए हमारा सबका यह कर्तव्य बनता है कि पेड़ों की रक्षा की जाये और जब पेड़ों की रक्षा होगी तब ही इस मुल्क का इकोलाजिकल संतुलन और शुद्ध वायु-मंडल कायम रह सकेगा, जबकि पेड़ों की रक्षा करके पेड़ों को कायम रख सकेंगे...

(ध्वनान)

जब 363 महानुभाव शहीद हो गये तब मंत्री ने कटाई बन्द करके राजा के पास जाकर सारी बात बताई, तो राजा वहाँ चल कर मोके पर आये और खड़े होकर माफी मांगी।

SHRI SHANKARRAO NARAYANARAO DESHMUKH (Maharashtra): What about the thermal pollution?

श्री भजन लाल : थर्मल प्लटस भी इसी में आ गये हैं। चाहे कोई सरकारी उद्योग हो चाहे प्राइवेट हो सारे इसके अंदर शामिल हैं। पंचारी साहब ने शोर का जिक्र किया। अभी मैंने शोर के बारे में बताया है। विजय गोहान रेड्डी साहब ने भी कहा कि ये उद्योग जो हैं वे एक जगह नहीं होने

चाहिए। उद्योगों की कुछ पालिसी इंडस्ट्री मिनिस्टर ने बनायी है कि बहुत ज्यादा किसी शहर में हो जायें तो नए और उद्योग उस शहर में नहीं लगने चाहिए लेकिन यह उद्योग मंत्रालय का काम है।

भोपाल गैस काण्ड के बारे में आप जानने हैं कि यह केस कोर्ट में है इसलिए इसके बारे में ज्यादा कहना जंचता नहीं है। जसवंत जी ने पर्यावरण बैलेंस को ठीक रखने की बात कही। दिल्ली के धुएँ के बारे में अभी मैंने जिक्र किया है। आपने सवाई माधोपुर में कोई खाद की फैक्ट्री लगाने की बात कही। इसमें कोई शक नहीं है कि रणथंभोर बहुत बड़ा पार्क है और मैं कह सकता हूँ कि देश का सबसे अच्छा पार्क उसे कहें तो गलत मत नहीं होगी। बहुत ही शानदार पार्क है। है मैंने खुद भी जाकर उसे कई बार देखा है। लेकिन हम कोई ऐसी बात नहीं होने देंगे जिससे रणथंभोर में जो हमारा नेशनल पार्क है, उसे नुकसान पहुंचे, यह बात हम किसी हालत में बदलित नहीं करेंगे। कमेटी बाकायदा मुकुरर की है और वह जाकर देखेगी कि वह फैक्ट्री कितनी जगह लगनी चाहिए और कितनी दूर लगनी चाहिए जिससे कि उन जिलों का कोई नुकसान या उसका कोई बुरा प्रभाव या बुरा असर नहीं पड़े। ऐसा इतना हम करेंगे।

इसी तरह भरतपुर के बारे में आपने जिक्र किया। आपने लूनी नदी के बारे में भी जिक्र किया और आपने यह भी कहा मारवाड़ के बारे में—मैं भी मारवाड़ का ही रहने वाला हूँ—दो सौ साल पहले हमारे बुजुर्ग वहीं से आए थे और मारवाड़ के बारे में जितना आप जानते हैं, तकरीबन उतना नहीं, तो आधा जरूर मैं जानता हूँ।

लूनी नदी को भी मैंने जाकर देखा है। उस एरिया में पानी पीने का साधन अगर कोई है, तो लूनी नदी ही है और वहाँ लूनी नदी के ऊपर जो भलोदा के ऊपर लगाई गई छोटी-छोटी फैक्ट्री हैं, मैंने उनको भी जाकर देखा है। बाकायदा वहाँ पर एक ज्वॉइंट प्लॉट हमने लगाया

वहाँ पर मिलकर के, लेकिन वह ठीक तरीके से काम नहीं कर रहा है। उसे ठीक कराने पर कारबाई हो रही है।

उसके लिए बाकायदा एक मीटिंग बुलाकर एक महीने पहले फंसला किया है कि ज्वाइट प्लांट लगाकर दुबारा से उसको देखें। कोई भी फैक्टरी अगर प्रदूषण करेगी, तो बाकायदा चाहेवह छोटी या बड़ी फैक्टरी है, उस पर बाकायदा यह जो एक्ट बना है, वह लागू होगा, किसी प्रादमी को इसमें माफ नहीं किया जाएगा।

श्री गुलाम रसूल भट्ट ने कहा कि राज्य गेज के बारे में—जैसा मैंने अभी कहा जो आपका संदेह है, वह ठीक होना चाहिए। हमारा तो दखल नहीं है, उसमें, हमारा उतना ही दखल है कि कोई कार्यवाही नहीं करेगा अगर स्टेट बोर्ड, तो केंद्रीय बोर्ड उस पर कार्यवाही करवायेगी।

श्री गुलाम रसूल भट्ट : मेरा मतलब था कि स्टेट गवर्नमेंट्स को उसमें लाना चाहिए। बस।

श्री भजन लाल : उसमें स्टेट गवर्नमेंट में हमारा कोई इतना दखल नहीं है। अगर फर्ज कीजिए कि कार्यवाही हो न करे स्टेट गवर्नमेंट, तो सेंटर कोई बैठा देख तो नहीं सकता। इसीलिए ऐसा किया गया है।

श्री गुलाम रसूल भट्ट : उनको कहकर कि यह काम नहीं हो रहा है।

श्री भजन लाल : बाकी अब राम अवधेश सिंह जी के बारे में मैं क्या कहूँ। इन्होंने अच्छी बात कही कुछ गलत भी कि इसमें शामिल होना चाहिए। मैं ज्यादा कुछ नहीं कहता, यह हमारे पुराने दोस्त हैं।

इनके लिए भजनलाल हब्बा बना हुआ है। इनको सांते और उठते भजनलाल ही दीखता है और तो कुछ दीखता नहीं है। लोक दल को भजनलाल के नाम का इतना डर और भय बैठा हुआ है कि नींद हराम हो रही है।

इसलिए मैं ज्यादा न कहते हुए सभी माननीय सदस्यों से निवेदन करना चाहता हूँ कि आप सब ने इसका स्वागत किया है और सर्व-सम्मति से इस बिल को पास किया जाएगा इन्हीं शब्दों के साथ सबका धन्यवाद करते हुए मैं बैठता हूँ।

उपसभाध्यक्ष (श्री जगेश देसाई) : भजन लाल जी, उन्होंने ब्रह्मपुत्र के बारे में कुछ पूछा था।

श्री भजन लाल : वह इसमें आता नहीं है।

SHRIMATI BIJOYA CHAKR-  
VARTY: Sir, regarding thermal plants and refinery in and around Namrup Sib-sagare and Duliajan, thousands and thousands of acres of land cannot be brought under cultivation and not even a blade of grass is grown there.

श्री भजन लाल : उपसभाध्यक्ष जी, जैसा मैंने कहा चाहे इसमें थर्मल प्लांट है, चाहे दूसरा है, चाहे सरकारी है या प्राइवेट, कोई भी फैक्टरी है, चाहे वह सरकारी है सीमेंट की है या बिजली की है कहीं से भी प्रदूषण होगा तो उनके खिलाफ कार्यवाही करेंगे।

जहाँ तक इन्होंने कहा कि पेड़ गिर गये या कट गये, उसको हम देखेंगे कि कैसे गिरे हैं और कैसे कटे हैं। इस बिल से उसका कोई ताल्लुक नहीं है। वह बात अलग से है।

इन्होंने ब्रह्मपुत्र के बारे में जिक्र किया कि उसकी भी सफाई का काम हो, लेकिन आप जानते हैं कि देश में गंगा सफाई का काम बहुत तेजी से चल रहा है, लेकिन कभी फिर चर्चा करेंगे, आज इससे ताल्लुक नहीं है।

इसलिए मैं इतना ही कह सकता हूँ कि जो भी ठीक बात होनी वाली है, जो भी आपकी समस्या आपकी एरिया की है, आप लिखकर उसे हमारे पास भेज दीजिए और जो भी कार्यवाही होने वाली होगी, वह हम करवायेंगे और किसी प्रकार की कठिनाई आपको नहीं होने देंगे।

**SHRI SHANKARRAO NARAYAN-RAO DESHMUKH:** Sir, at Nasik Road there is a thermal power plant... (Interrupted). Sir, listen to me for a moment. It is situated on the banks of the Godavari river and the water flows down the street. There are about 10 villages affected by the ashes of the thermal power plant which needs immediate attention. I have been representing the matter to the revenue authorities but it was beyond their purview. Therefore, I take this opportunity to bring it to the kind notice of the hon. Minister so that future action may be taken as early as possible.

**श्री भजन लाल :** उप सभाध्यक्ष महोदय, इस बात को मैंने नोट किया है।

**श्री राम श्रवधेश सिंह :** मेरा एक क्लैरीफिकेशन है ? ... (व्यवधान)

**उपसभाध्यक्ष (श्री जगेश देसाई) :** आप बीच में मत बोलिए। यह ठीक नहीं है। आपका जवाब दे दिया है।

**श्री राम श्रवधेश सिंह :** मेरा क्लैरीफिकेशन है। मैंने कैटेगरीकली पूछा था ... (व्यवधान)

**श्री भजन लाल :** अब खत्म हो गई बात। क्या फायदा है छुड़िए।

**उपसभाध्यक्ष (श्री जगेश देसाई) :** बैठिए आप।

**श्री भजन लाल :** तापघरों के बारे में ठीक है, मुल्क में जितने ट्रीटमेंट प्लांट लगने चाहिए उतने हीं लगे हैं। 218 तापघर हैं जिसमें से 10 में अभी ऐसे संयंत्र लगे हैं। लेकिन हमारी कोशिश होगी कि इसको भी देखें। जहां 10 गांवों को नुकसान हो रहा है वहां भी कोशिश करेंगे कि इसको ठीक कराया जाए। ... (व्यवधान)

**श्री राम श्रवधेश सिंह :** मैंने इनकी कैटेगरी लो पूछा था। ... (व्यवधान)

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** The Minister cannot reply all the points raised by the Members. You cannot expect that the Minister should reply all the points.

**श्री राम श्रवधेश सिंह :** ऐसा करके आप हमारे साथ अन्याय कर रहे हैं। आप ऐसा क्यों कर रहे हैं ?

**उपसभाध्यक्ष (श्री जगेश देसाई) :** मेरी बात सुनिए, आप बैठ जाइये।

**श्री राम श्रवधेश सिंह :** मिनिस्टर साहब तो डिनाइ नहीं कर रहे हैं और आप कर रहे हैं। मेरा सीधा सा सवाल है कि जो सबसे ज्यादा जरूरी काम है वह है कि जो टाटा-बिड़ला मोटर बना रहे हैं उससे धुआं भारी मात्रा में निकल रहा है क्या आप उनको इसके लिए कह सकते हैं ?

**श्री भजन लाल :** हम सबको कहेंगे और सबके खिलाफ कार्यवाही करेंगे, चहे कोई टाटा हो या बिड़ला हो। नई गाड़ियां जो बनेंगी उनके लिए भी बाकायदा मानक निर्धारित कर दिए गए हैं और वे उसी हिसाब से बनेंगी। ... (व्यवधान)

**श्री राम श्रवधेश सिंह :** तो सेन्ट्रल बोर्ड में क्या मैम्बर पालियामेंट रखेंगे ? ... (व्यवधान) और जो कागज पर पेड़ लगाए रहे हैं, भारी मात्रा में इसमें धूसखोरी हो रही है ? ... (व्यवधान)

**उपसभाध्यक्ष (श्री जगेश देसाई) :** अरे क्या बात करते हैं।

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** The question is:

"That the Bill to amend the Air (Prevention and Control of Pollution) Act, 1981, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

**THE VICE-CHAIRMAN (SHRI JAGESH DESAI):** We shall now take up clause-by-clause consideration of the Bill.

*Clauses 2 to 25 were added to the Bill.*

*Clause 1, the Enacting Formula and the title were added to the Bill.*

श्री भजन लाल : उपसभाध्यक्ष महोदय, मैं प्रस्ताव करता हूँ कि "बिल पास किया जाए।"

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now, the House stands adjourned till 11.00 A.M.

The House then adjourned at four minutes past six of the clock, till eleven of the clock, on Tuesday, the 1st December, 1987.