

motion moved by the Minister to vote.  
The question is:

"That the Bill to provide for the acquisition and transfer of certain textile undertakings of the Swadeshi Cotton Mills Company Limited, with a view to securing the proper management of such undertakings so as to subserve the interests of the general public by ensuring the continued manufacture, production and distribution of different varieties of cloth and yarn and thereby to give effect to the policy of the State towards securing the principles specified in clause (b) and (c) of article 39 of the Constitution and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

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

*Clauses 2 to 33 and the Schedule were added to the Bill.*

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

**SHRI KHURSHID ALAM KHAN:** Sir, I move that the Bill be passed.

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

## **THE ENVIRONMENT (PROTECTION) BILL, 1986**

**THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI):** Mr. Vice-Chairman, Sir, I beg to move:

"That the Bill to provide for the protection and improvement of environment and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

Sir, this Bill was considered by the Lok Sabha on the 8th May, 1986 and was also passed on the same day. I

need hardly emphasise the importance of this Bill of protection of environment. We face serious environmental problems and the health and integrity of our natural resources are in danger. Environmental pollution caused by unplanned discharge of wastes and residues and improper handling of toxic chemicals or other hazardous substances has serious implication for the health and well-being of our population. The Bhopal gas tragedy has poignantly brought home the dangers to human safety, health and environment, which can arise from industrial accidents. There have been other gas leakages, on a smaller scale, before and after the Bhopal gas tragedy.

Hon. Members have been continuously expressing concern over these episodes and emphasising the need for taking adequate safeguards for prevention and containment of such accidents. The need for effectively controlling environmental pollution has also been emphasised time and again in the House.

Government fully shares the concern of the hon. Members and has been examining how best to strengthen the legal framework and the regulatory agencies for this purpose. Efforts are also underway to promote safety at all stages, levels and operations, especially in hazardous industries, where accidents can endanger not only the workers within factory premises but also the surrounding inhabitants and environment. Besides, it is also necessary to keep in view the more long term ecological and environmental imperatives. The hon. Members will recall that I had made a statement on 3rd December, 1985 in Parliament that legislative measures for environment protection would be strengthened. The present proposal is an important step in that direction.

I would like to highlight briefly the main aspects of the proposed Bill. The proposed Bill seeks to legislate in an area which involves complex scientific, technical and organisational issues. The Bill is general in scope and

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contains enabling provisions for taking measures for protection of environment. This is an area which has emerged in the recent past and where the state of the art is undergoing rapid change. For implementing the law, it will be necessary to lay down guidelines, standards, criteria, procedures, etc., in the relevant area in consultation with technical experts. The necessary action for such rule making will be taken once the Bill is enacted.

The proposed Bill will enable Central Government directly to take a wide range of measures for environmental protection. The need for such powers has of late become especially evident. Under the provisions of the Bill, standards for emissions or discharge of environmental pollutants can be specified. Premises, plant, equipment, machinery, manufacturing process, material or substances can be inspected and suitable directions given for prevention, control or abatement of pollution. Any person causing pollution can be ordered to take rectificatory action or such action can be carried out at his expense. Procedures and standards can be laid down for handling hazardous substances. Procedures and standards can also be laid down for prevention of accidents which may cause environmental pollution and for taking remedial measures if such accidents occur.

The Bill contains provisions to enable quick and effective emergency responses. A provision has been made for intimation by concerned person of apprehended or actual discharge of pollutants due to accidents or other unforeseen acts or events to designate authorities to facilitate speedy remedial action. Besides giving directions to concerned regulatory agencies and occupiers, it would be possible to enforce closure of operations and withdraw supplies and services (such as power or water). The Bill provides that specified classes of industries or operations or processes can be prohibited in certain areas or permitted

only subject to safeguards. The provisions will help in ensuring that hazardous industries operations or processes are not located in densely populated or ecologically sensitive areas and that such existing activities can, in unavoidable cases, be relocated.

The Bill will enable the Central Government to co-ordinate activities of Central and State Government officers, or other authorities for environmental protection. There are, at present, laws which directly or indirectly deal with environmental matters. There are also regulatory agencies/ inspectorates set up under such laws which function both at Central and State levels. The existing laws generally focus on specific hazardous or dangerous substances or types of pollution. They do not cover all the areas which need to be controlled for environmental protection. The existing regulatory agencies lack jurisdiction in some areas. There are inadequate linkages in handling matters of industrial and environmental safety. Since the existing laws focus on specific aspects of environment, the regulatory agencies function within their limited fields. However, in environmental matters, it is necessary to have a long-term and global view. It is also necessary to harmonise and update the rules, practices or procedures of different regulatory agencies. At present, there is no clear focus of authority or responsibility for preventing or coping with damages to environment originating in industrial or related activity. There are areas which are either not covered or fall between the jurisdictions of existing regulatory agencies. An authority is, therefore, necessary for co-ordinating the activities of existing regulatory agencies bearing on the environment and for devising systems for long-term environmental protection and speedy and adequate response to emergency situations threatening environment. The Bill, therefore, provides for an authority or authorities for exercising the proposed powers and functions.

To be extent possible, the new law will be implemented using the provisions of the existing Acts and the

proposed authority will be able to give directions to other regulatory agencies. The authority, however, is not intended to replace any existing regulatory agencies under different laws.

2. The proposed legislation provides for stiff penalties. Penalty for contravention of provisions of the Act and the rules, orders, or directions thereunder will be imprisonment for a term which may extend to five years or fine which may extend to rupees one lakh or both; and with an additional fine of rupees 5000 every day if violation continues after conviction. If the offence continues beyond a period of one year after the date of conviction, it will be punishable with imprisonment up to seven years. Private complaints will be cognisable after 60 days notice is given to designated authorities. The jurisdiction of civil courts is barred in matters falling within the purview of the proposed legislation.

Laws can only provide the framework for protection of the environment and it is necessary that official and voluntary agencies should work together to create the needed awareness. Indeed, environment is all pervasive and the success of our efforts in this area ultimately call for the involvement of the entire population at all levels.

Sir, I am sure that with the provisions proposed in the draft Bill some of which I have briefly mentioned in my speech, Government would be able to protect environment more effectively.

With these few words I commend that the Bill be taken into consideration.

**SHRI R. RAMAKRISHNAN** (Tamil Nadu) Sir, I move:

"That the Bill to provide for the protection and improvement of environment and for matters connected therewith, be referred to a

Select Committee of the Rajya Sabha consisting of the following members, namely:

1. Shri Dipen Ghosh
2. Shri R. Mohanarangam
3. Shri M. S. Gurupada Swamy
4. Shri Parvathaneni Upendra
5. Shri M. Kalyanasundaram
6. Shri S.W. Dhabe
7. Shri Sankar Prasad Mitra
8. Shri Ghulam Rasool Mulla
9. Shri Chitta Basu
10. Shri R. Ramakrishnan

with instructions to report by the end of current year."

*The questions were proposed.*

**DR. R. K. PODDAR** (West Bengal): Mr. Vice Chairman, Sir, I congratulate the Minister for bringing forward this Bill, but I think there are too many things that have been left out. The Bill has been prepared by the department officials and scientists. The protection of environment is a serious concern for everybody. In our country there are many scientific, cultural, private and other agencies that are deeply involved in this question of protection of environment. Therefore, I would request the Minister to accept the suggestion of Mr. Ramakrishnan to refer this Bill to a select Committee to elucidate public opinion from various organisations, so that many of the lacunae that are there in the Bill could be removed and many other new points could be introduced in this Bill.

With these words I conclude.

**SHRI MURLIDHAR CHANDRAKANT BHANDARE** (Maharashtra): Mr. Vice-Chairman, Sir, the growing population and the consequent migration from rural to urban areas, increased repidity of scientific and

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Bhandare]

technological developments and the problems of readjustment they entail, have resulted in grave abuse of environment. It was only the industrial tragedy of Bhopal that shocked the whole world and opened our eyes to the gravity of the threat. We must strike a balance in our surroundings. Exploitation and abuse must be prevented. The devastation continue all round raising serious problems concerning health and resources. A time has come for the society to redefine the relation of man with nature. Particularly for us, the parliamentarians here, the main task is to ensure that the society is equipped with adequate laws to fulfil this purpose. And, therefore, I welcome this measure which has not come a day too sooner.

The point which I want to make is that there are over 200 laws and the first of the laws governing pollution was made in Bombay and it was called the Short Nuisance (Bombay and Kolada) Act, 1873. But what must be remembered and I

2.00 P.M.  
rise to say that is that the real thrust for environmental protection was given by late Prime Minister Indiraji. Of course, she imbibed the love of nature from her father Panditji because it was Pt. Jawaharlal Nehru who went to those unknown places like Manali to discover them and they have become such great tourist resorts and great resorts of beauty and joy not only in our country but for those who are coming from outside. It was the Fortysecond Amendment which for the first time removed the entries of 'forest and wild life' from the State List to the Concurrent List. Wild Life Act was brought on the statute book in 1972; prevention of Water Pollution Act in 1979; the Air Pollution Act in 1981. You go through the plethora of laws and

the great impetus which this movement for environmental protection received under the able stewardship of late Shrimati Indiraji and on behalf of the entire House I acknowledge the great contribution of that great leader of this country to this great human cause. The good work is being continued by our young and dynamic Prime Minister.

While welcoming this Bill, I must also point out that this bill also leaves many things to be tackled. For instance, you will find that in all these Pollution Acts the industry is given a right of representation. If the decision of the implementing authority goes against that industry, then they are given the right of appeal against that decision. But what I find is that people who are affected by those decisions, if the leakage from the plant is going to affect me and the neighbour residing adjacent to that factory, I have no right and I think a time has come to see that those citizens who are affected by the decision and by the pollution are also given a say and those individuals who are affected by pollution or are apprehending pollution are given adequate representation. To that extent there is a provision here for the first time which I welcome. That is one of the reasons why I want to speak on the Bill, namely the provision which allows even a private individual to go to a court of law, whereas in all other acts the prosecuting agencies are the various Boards. For the first time to the extent that this Act provides a remedy for a private citizen to go to a court of law and get those offenders who are guilty of pollution punished, I think this is a very significant landmark in the progress of our environmental protection.

Then the Fortysecond Amendment for the first time also introduces Art. 48A which talks of environmental

protection. Then in Art. 51A(g), there is a fundamental duty cast upon a citizen to see that environment is protected. I know the time is short. It is a matter of regret that such an important Bill should come on the last day and we should be really hustled because this Bill, as I said, will open our eyes, will set us thinking to have peace with nature and here we are in a hurry. I am going like a jet plane or a railway engine to complete my speech. I must express my resentment because this will only add to the noise pollution and really not contribute to the very serious aspects which are intended to be covered. But I hope that there are many things to be done after the Bill is passed. This Act will not move unless the Government frames the rules. I want an assurance from the hon. Minister that he is already ready with the rules and the moment this Bill receives the assent of the President, the same day rules will be promulgated otherwise what happened to the Water Pollution Act. For 18 months there were no rules and the Act remained on the statute book. Various other areas of implementation, defining of standards, laying them down etc.—all these things I think should be got ready so that when the Act is there the standards are defined, the rules are there, the implementation is there, the enforcement is there, because without that it will only remain on the statute book. Once again I must say that it is quite heartening to see that one who professes about protection of women and children against vagrancy should also talk about protection of Nature against wanton devastation and exploitation by man.

With these words I commend this Bill for universal and unanimous acceptance of the House. Thank you.

**SHRI R. RAMAKRISHNAN:** Mr. Vice-Chairman, Sir, I will get down to brass tacks, knowing that the time is limited. But with your indul-

gence I would like to take a little more time and make a few points on this very important Bill.

Sir, I agree with Mr. Bhandare that the Bill has not come a month too soon. The commitment which Mrs. Indira Gandhi had and which our own Prime Minister, Shri Rajiv Gandhi, is having is reflected by his eagerness to get this Bill passed in this session of Parliament itself so that much more time is not wasted. And, as my friend Mr. Bhandare has pointed out, we also have a very dedicated Minister, Mr. Ansari, to look after this very important Department. The fact that from a Deputy Minister who was looking after it the Department is enjoying some sort of status is reflected in the fact that Mr. Ansari is there in the rank of Minister of State. Knowing his dedication to causes like the Muslim Women Bill, I hope he has the same dedication to causes like environment.

Sir, there are many forums. There is a Parliamentary Forum also on environment. Then there are other public bodies. There is the Environmental Society in Madras. There are societies in Bombay and Calcutta which deal with the subject of environment. I wonder whether the Ministry had any dialogue or talks with these bodies before bringing forth this Bill.

This Bill itself is going to be one of far-reaching nature. The Bill doesn't say much excepting that the powers to frame rules under this Bill will mean much more and the rules themselves can run into hundreds of pages. And it is there that one should take care, to see that everything is provided for. But in the Bill, the fact that clause 15 provides for deterrent punishment is a welcome move. In so far as even the Narcotics and Psychotropic Substances Act was concerned, the Government, with realization, brought up the fines to one lakh or two lakhs and imprisonment also to be severe. Similarly here they say

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imprisonment to the extent of five years or fine which may extend to one lakh of rupees. I think this is a welcome step. Government should also follow it up in seeing that Environmental Courts are set up to see that prosecutions under this law take place and the courts give sentences which are provided for so that it may act as a deterrent.

Sir, one can go on lecturing about the need to maintain ecological balance and environment in this country. A World Health Organization study reveals that nearly 2,000 million dollars can be saved if the pollution level is brought down by 50 per cent. Sir, one may recall that in December 1952, nearly 5,000 people died in London because a cloud of air pollution descended over the city and was there for days together. In India all the pollution levels are going up. I do not want to waste time giving figures; the Minister himself will be having them. Even in and around Delhi air pollution has gone up by so much PSI. I saw the report the other day. When this is so, it is really sad that the involvement of the State Governments is not there at the desired level. Therefore, the Central Government should interact with the State Governments. There is also the need to involve voluntary agencies.

The funds at the disposal of the Central Government are very limited because there are priority sectors for which funds have to be given. Therefore, the Central Government should interact with more State Governments and voluntary organisations to see that the provisions of this Act are enforced. Sir, in the Stockholm Conference of 1972 hundreds of recommendations were made. After that there was the belgrade Conference in 1975. Then there were so many declarations.

The Government of India is also a party. I congratulate the Government of India for bringing forward this legislation. But I would like to

tell the Minister one thing, because I saw, in his speech to the other House, he said that Indian Government was the first Government to bring forward this legislation. We would like to know whether any other governments had brought forward such a legislation. My study reveals that the U. S. Government has brought forward such a legislation in 1970. There is an environmental protection act there. And also the Swedish and the Japanese Governments have also got some legislations on environment. This I would like to tell him for his information, and I am sure that with the help from the government-to-government basis he can find out from those governments what these acts are and how they are going about the whole thing.

On this occasion I would like to say, there is urgent need for a national environment policy. The Government should come out with a national environmental policy. Also, a national conservation strategy should be outlined so that people will not go at loggerheads, and there should be a systematic plan by which the whole thing can be gone about.

There are private persons like Mr. Sundarlal Bahuguna of the famous Chipco Movement, and other committed people are there. But then, unless there is a proper plan to implement all these things, nothing much can be achieved.

Sir, I only shudder to think, if the pollution goes on like this, by the year 2,000 many of the metropolitan cities like Delhi, Bombay, Calcutta and Madras may become slum cities. This is the fear. One should guard against this.

But, here, Sir, there should be no contradiction. The industrial growth should be there. But at the same time the ecological balance should be maintained. These appear to be contradictory things. So, if our country is to go forward into the 21st century,

the industrial growth is important. But the industry should realise the responsibility and commitment to environment, and therefore, they should be made to understand that this is a part of their job.

Sir, on this occasion I am very sorry to say this. I do not know because the Minister has perhaps come to this Department newly. He was earlier in the Ministry of Shipping and Transport and doing well. There is the National Environmental Engineering Research Institute in Nagpur, popularly called the NEERI. For the last 29 months the NEERI which is doing a yeoman service, which is the only authority on the subject in this country and which is well recognised through the countries of the world, does not have the Director. The former Director one Dr. B. B. Sundarshan who was there, was made the Vice-Chancellor of the Madras University. I am really amazed, the other day Mr. Shiv Shanker took casually the matter regarding the Chairman of the Tea Board. For two years there is no Chairman of the Board. Here for 29 months there is no Director for this Institute. So, this Government seems to believe in the topless thing. I should really strongly condemn this attitude. This post should be filled up. There are adequate people in the country, and you should fill up this immediately.

Sir, speaking at a recent seminar in Delhi, Dr. S. Dhillon Rep'y who is an eminent environmentalist from the famous Smithsonian Institute, Washington, observed this, and I am only quoting two lines from his speech, he said:

"Massive exposure of land, soil and water and all the fruits of technological advance and development without regard for essential biological preserves can only hasten the degradation of what has been a fair land and a marvellous one for all manner of life."

These words should go hard into the thinking of the Government. Here, I would request the Minister to see

that a massive afforestation programme is taken up.

We had the tree-plantation programme. In the Vanamahotsavs, as you are well aware as your State of Haryana was leading in that, there is the tree-plantation ceremony with all the fanfare which goes along with the dignitaries who come. But after that nobody bothers about the poor tree. So, a massive afforestation programme involving the State should be there. Here I would like to tell the Minister that the satellite pictures which we recently have had, have shown that 13 per cent of India is under the forest cover, whereas if you take the revenue records, 22.7 per cent is under the forest cover. So, where has this 9.7 per cent gone? You know very well the forest contractors must be having a good time. My friend Shri Jagesh Desai is not here at the moment. If he was here he would have come to defend the public sector undertakings. The public sector undertakings are the maximum offenders as far as pollution is concerned. And the public sector undertakings being a wing of the Government, I think, you should start with it. Example is better than precept. But how it is reverse. Charity begins at home. The Government should tell the public sector undertakings that they should not be the offenders as far as pollution is concerned and proper conditions should be provided to see that the environment is protected.

Before I conclude, I would like to say that more than 50 thousand lakes are dying in India. I saw this report in the hands of our hon. Member, Shri Bhandari I saw it earlier in the Library also. It is a Second Citizen Report on the state of environment in our country. It is a well prepared document. I would request the Minister to do something about this. At the same time my friend Mr. Matto should also see that his Government—if there is one—protects the environment. Rs. 10 crores are being asked for by the

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World Bank and I think it has been sanctioned. His State should see that the polluted Dal Lake is restored to its pristine purity. So, something should be done about this matter.

Finally, I would only like to ask the Government to consider the point which I am going to make now, if not now, at a later stage in consultation with the Ministry of Finance. My point is that the Government should have a pollution tax. It is on the principle that the polluter must pay. This will give you adequate revenue to look after the environment. Environment is not a subject about which you can just stop after five or ten minutes. There are so many points. Sir, the Department of environment has got a very dynamic Secretary, Mr. Seshan. I know him. But I wish the Minister and the Ministry should take adequate steps to see that the beauty and the nature of this land is protected and the environment and the ecological balance are set right for years to come.

I end by quoting Wordsworth, the famous nature poet, who in his poem TINTERN ABBEY said:

"Nature never did betray,  
The heart that loved here.

**श्री रामचन्द्र विकल (उत्तर प्रदेश) :**

उपसभाध्यक्ष महोदय, मैं पर्यावरण संशोधन विधेयक, जो माननीय मंत्री जी ने अभी पेश किया है, उसके समर्थन में खड़ा हुआ हूँ। साथ ही मंत्री जी को हृदय से बधाई देना चाहता हूँ कि सारा देश जिस पर्यावरण से आज चिन्तित है और जिसमें भोपाल-गैस दिल्ली गैस और नोयडा गैस कांड है, सब जगह उसमें फेक्टरियों की वजह से और जल की वजह से भी यह प्रदूषण हो रहा है। इसके लिए उन्होंने यह एक संशोधन विधेयक पेश किया है। साथ ही जो शंकाएँ पूर्व सक्त्यों ने ठकुर की है कि इस विधेयक के पारित होने के बाद इस पर अमल में एक सक्रियता बरती जानी चाहिए।

उपसभाध्यक्ष महोदय, जहाँ तक वायु प्रदूषण के साथ-साथ जल प्रदूषण की घटनाएँ हमारे देश में हो रही हैं। इसमें गंगा को या दूसरी झोली, नदियों को लिया जा रहा है। मुझे सिवन्दरबाद की फेक्टरियों की जा कुछ घटनाएँ भी याद हैं। इस तरह का जल फेक्टरियों से निकलता है, जिसमें तेजाब हाता है और संवेशा उस पानी को पीते हैं। इस से काफी संवेशा भी भर रहे हैं बहुत बड़ा तादाद है। यह विधेयक सार्थक आया है, जिसको हमारे देश में इन दिनों जरूरत है। मैं समझता हूँ कि मंत्री जी ने इस पेश करके देश की, हमारी आशाओं और चिन्तों पर एक गंभीर रुख अपनाया है। मैं इस विधेयक का हृदय से स्वागत करते हुए निवेदन करूँगा और सारा सदन उस पर एवमत है, कोई विवाद का विषय नहीं है कि इसके पारित होने के बाद इसके अमल में ज्यादा सक्रियता बरती जाय और जो हमारे आध्यात्मिक हों या जो इस संबंध में कोटेशन बनें देना भी इस पर अमल होना चाहिए। हमारे बड़े शहर जितने हैं और बड़े शहर के अलावा जितनी फेक्टरियाँ हैं, अभी तो आपने दिल्ली का, नोडा का, भोपाल का सुना। यह सारी प्रदूषण की जा सजाए दी जाती हैं, उस पर मैं समझता हूँ, अमल होना चाहिए और दोनों भी मिलनी चाहिए। इसी तरह से हमारे जा उद्योग लगाये धाले लाग हों या किसी और तरह के हों, उन सबको इस पर अमल करने के लिए बाध्य किया जाय।

इन शब्दों के साथ मैं एक बार फिर माननीय मंत्री जी का हृदय से आभार माता हूँ और उन्हें बधाई देता हूँ कि यह विधेयक पेश करके, हमारे देश का जो तात्कालिक अवश्यकताएँ और चिन्ताएँ हैं, उनकी तरफ उनका ध्यान गया है। मैं इस संशोधन विधेयक का हृदय से समर्थन करता हूँ। धन्यवाद।

**SHRI K. G. MAHESWARAPPA** (Karnataka): Mr. Vice-Chairman, Sir, having regard to the alarming environmental situation, any step or



any measure taken is welcome. Though this Bill is not very comprehensive and though there is excessive delegation of powers, I welcome this Bill.

[The Vice-Chairman (Shri Pawan Kumar Bansal) in the Chair.]

If you consider the environmental conditions in this country, as already pointed out by my predecessors, we have reached a dangerous stage. Nearly 70 per cent of water available in this country is polluted; and nearly 53 per cent of the agricultural land of this country is becoming barren. Even Cherapunji area which used to receive maximum rainfall in the country is becoming a dry area. Air pollution has caused wide spread respiratory disorders. Blood cancer is on the increase. The existing laws are not at all effective to deal with the environmental pollution at various levels. Some of the Members have already referred to existing law enacted in the year 1974 pertaining to water pollution and another regarding air pollution in the year 1982. They have been on the Statute Book only, but no follow up action has been taken. In connection with these laws, I would like to quote the observations made by Dr. Agarwal, formerly an executive officer on the pollution control boards:

"The most important objective of the two pollution control acts—Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981—was the constitution of competent and powerful autonomous boards, which could handle critical problems independently. Yet the composition of these boards ensured that they were anything but autonomous. All members were nominated by the Government and served on the boards at the pleasure of the Government. Experts in the fields of public interest subjects like agriculture, fisheries and conservation were not given adequate representation. As a result issues with required immediate attention and

decisions on many vital questions were left to the various State Governments."

He further pointed out, I quote:

"That the acts made no provision for public involvement. While in the years, immediately following the formation of the boards, public figures such as university professors and industrialists were nominated members of the boards. Today, it appears that only those in Government employment can have concern for the environment."

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): There is only one minute left for you.

SOME HON. MEMBERS: Sir it is his maiden speech. Therefore, he should be given more time. One is not interrupted in maiden speech.

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): I know that but here is no mention here about it being a maiden speech. Please continue.

SHRI K. G. MAHESWARAPPA: The Government has been given a blanket power of nomination. They may nominate the bureaucrats and politicians to the Board. If this is the situation, how can that Board function autonomously? The same defect in the existing acts, pointed out by an experienced officer who was a Director has not been noted while drafting this bill. As I said, the delegation of powers under the rules that are to be framed. But where is the guarantee that the rules would be framed in consonance with the magnitude of the problem? The Act itself should have provided that the authority to be constituted should consist of scientists and nuclear experts. No such thing has been done. Further, the provisions are very general and all powers are given to the

[Shri K. G. Maheswarappa]

rule making authority. This objection is pointed out by the experts. If I may refer to the recommendations made by the Stockholm Conference and the United Nations Organization the concern that was expressed in the Stockholm Conference and the United Nations directives have not been embodied in the Bill and in fact, if I may read one paragraph of the recommendation, I quote: "June 5th should be celebrated as international day." In addition to this, it was proposed that world environmental day should be held each year on June 5th as part of the promotional programme and there are other recommendations also. To be responsible for the international programme on the environmental education, promote technical education and training of technicians concerned and environmental matters and adopt draft convention on protection of world natural and cultural heritage. Now, these are not embodied in the Bill. Lastly, it may not be out of place if I call the attention of the hon. Minister to certain grave instances of pollution in my District i.e. Chitradurga of Karnataka, where there is a large poly fibre industry of Birlas, which is situated on the banks of Tungbhadra river near Harihar town. A very pungent nasty smelting smoke emanating from this industry is being spread to a radius of nearly 25 kms. and no action has been taken. There is no effective provision either in this Bill or any other Bill to take action in such instances. The water flowing into Tungbhadra is being polluted by this industry. The same water is being supplied for drinking purpose for both Davangare and Harihar cities. How much polluted water is flowing into Ganga or Yamuna in the North and Tungbhadra, Cauvery, Kalinadi, or Krishna in the South? There is no monitoring or no assessment of the magnitude of the problem of water pollution in these rivers

Then comes the air pollution. In fact, the Air Pollution Act which was

enacted in the year 1982, no follow up action was taken in this respect. No rules were framed even till today under that Act and where is the guarantee that the rules would be framed under this Act also? There is only a specific provision in regard to punitive clause. There is no other specific provisions under the provisions of this Act and all powers have been given to the rule making authority. Therefore, there must be some indication and guidelines to the rule making authority. In fact, in regard to constitution of the enforcing authority, and in regard to constitution of the laboratories care should be taken. All these matters are very important and particularly the country is very much concerned about them after the Bhopal tragedy.

In fact, formerly, people used to think that this was a problem facing only the industrially developed countries. Now, it has become a feature of every country in the world. Man has to live and interact with other creatures on this planet and in order to have peaceful human life and for survival of human species, it is very necessary to take steps in a big way and provide adequate funds in regard to the powers of the authority under section 3 and also in regard to the composition of that authority.

I conclude by once again suggesting to the Government that proper propaganda may be made and the younger generation must be trained in regard to the environmental problems. Also June 5 should be celebrated as Pollution Control Day, as suggested by the United Nations Organisation. Thank you.

SHRI M P KAUSHIK (Haryana):  
Mr. Vice-Chairman, Sir, I stand in defence of this Bill which has been presented to the House, though late, to

protect the environment and make it congenial to human life. I think the Bill should have been more comprehensive, but the Bill as it is, is laudable and should be given support from all quarters not only of this House but from all people of the land. If everyone of us, the citizens of this country, is a bit more serious and considerate about the environment, I think the results can be achieved in a shorter period, and a better environment for human growth, for human habitation can be achieved in this land.

If I were to look at it, I will take pollution of water, pollution of the air and pollution of the soil. Nature itself has a balance which has been disturbed by human beings because of their greedy nature and an inherent tendency to acquire things out of proportion to their needs—or rather we can say accumulation. Here I would also like to say that after independence, a new tendency has developed in our country, that is, more and more people are coming from the villages to the towns and big cities, leading to innumerable problems for environment and otherwise. This way we have rather disturbed, to a very great extent, the balance of nature. I will just give one example—the expansion of Delhi. What has happened in the last 30 years is that we have created concrete jungles. Instead of vegetation, we have created concrete jungles. Where there was habitation, we have roads now. There is no grass, no vegetation. There is absolutely nothing to counteract the polluted air of the atmosphere. This is a very sad state of affairs in many of our cities. In Paris, for example, I have seen that there is a big forest adjacent to the city. Do we have it? We have a polluted Yamuna flowing in our beautiful city called Delhi. Now there is a concept of Capital Region. We have got great expectations. But in the planning of this Capital Region, my humble submission is that the environment should be taken care of. We must have patches of forest lands in between habitation colonies if we

want to maintain some semblance of a congenial environment at all. Will we be able to do it? I do not think there can be a provision in this Bill as it is. But I request the hon. Minister to place this point before the Urban Development Minister so that these things are taken care of.

In nature, only a certain level of oxygen, carbondioxide and nitrogen is congenial for good health. If this criterion is applied to the air in Chandni Chowk, in Connaught Place or in other congested localities of Delhi, you will find that the air is more polluted than permissible. This is the state of affairs at present. And in what terms are we paying for it? It means more unhealthy people, more sick people, more expenditure on medicines, less output of physical work and that is why a total loss to the nation in terms of work, in terms of health and in terms of a healthy growth. Here I submit one thing more. On the roads we find all types of vehicles emitting not only smoke but a lot of din and noise. Can we not stop it? Can we not make rules and regulations by which after a certain number of years the vehicle should be disposed of and not allowed to ply on roads and create clouds of smoke and pollute the air or create noise which ultimately affects the mental faculties of the people moving about there and hearing the noise? Sound noise is as dangerous as air pollution. I am sure under the rules being framed by the Government these things will be taken into consideration and not only remedial measures will be taken but preventive measures will also be taken so that pollution is avoided at all costs. With these words I commend the Bill and I would request the honourable Minister to lay more stress on preventive measures for pollution in the air and sound atmosphere and pollution in rivers or lakes or ponds, rather than enforce rigidly the already polluted areas, factories or other habitations responsible for it.

SHRI TALARI MANOHAR (Andhra Pradesh): Mr. Vice-Chairman, thank

[Shri Talari Manohar]

you very much for giving me this opportunity to deliver my maiden speech. In this context I would request the Chair to permit me to avail myself of a few minutes more than have been allotted to me.

The object of the Environment (Protection) Bill is "to provide for the protection and improvement of environment and for matters connected therewith." The legislative competence to introduce this Bill is derived from Article 253 of the Constitution of India. It may be recalled that India was an original signatory to the United Nations Conference on Human Environment held at Stockholm in June, 1972. In order to implement the decisions arrived at the conference for the protection and improvement of the environment and prevention of hazards to human beings and other living creatures, plants and property, this Bill has been introduced.

In our country there are a number of legislations to protect and safeguard different components of environment. Some of them are the Explosive Substances Act, 1908, the Factories Act, 1948, the Indian Forests Act 1927, the Industries (Development and Regulation) Act, 1951. There are enactments for the protection of environment which are of State-level origin also. The significant legislations for the protection of water and air, the two vital components of the environment requiring immediate attention of the legislature are the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, respectively.

In order to understand the efficacy of this legislation and to understand its implications, it is essential to examine certain important provisions of the Bill. Clause 3 of the Bill vests the Central Government with powers to coordinate the activities of the State Government officers, plan and execute a nation-wide programme for prevention, control and

abatement of environmental pollution, laying down standards for the quality of environment in its various aspects and also to lay down emission standards. It further enables the Government to constitute an authority or authorities for exercising and performing the powers and functions contained in the Bill. As to what institutional infrastructure could be provided for and what would be the qualification of officers appointed to man the institutional framework, have not been indicated anywhere in the Bill. It is also to be noted that the Water Act and the Air Act vest the Pollution Control Boards with the power to lay down standards for the discharge of effluents, etc. and to lay down standards for abating the air pollution. A close scrutiny of this Bill would show that if the same is allowed to become an Act, it would result in multiplicity of agencies acting/ purporting to protect the environment. If only a single agency could have been created like Environmental Protection Agency in the United States, the prudence of the legislature would have been admirable.

If the purpose of the Act is avoidance of multiplicity of regulatory agencies and to provide for a single which can assume the lead role for studying, planning and implementing long-term requirement of environmental safety as stipulated in the "Object and Reasons" of the Bill it is doubtful how far this legislation could achieve such a laudable object which apparently is the reason for which the Bill is introduced. Already the Water Pollution Control Boards have been in existence for over 10 years and the impact of these Boards and their utility have been felt in the country. This agency which is sought to be created under the present Act would be sitting over the head of the Pollution Control Boards. Besides, it is well known that the basic requirements and the institutional framework are always spelt out in the parent statute and the subordinate legislation which vests the Board to make rules are minimal. A scrutiny of this legislation which is introduced

would show that the whole object and import of the legislation are going to be spelt out only under the rules. There are no guiding principles for the Central Government to create an institutional framework much less to specify the guiding principles for the framing of rules. This would vest the Central Government with unlimited and illimitable powers. Though the rules framed are to be tabled on the Houses of Parliament, it is doubtful whether the Parliament would have the time to scrutinise the scope and ambit of the technical and scientific aspects of the rules which would be highly voluminous.

The States in a federation play a vital role and already a commission has been set up to look into the Centre-State relationship, which is a sensitive area in the Indian Constitution. This legislation would make a total inroad into the powers of all the States and it is anybody's guess that the State would not welcome such intervention by the Centre. It is agreed that environment crosses all the boundaries. But control mechanism needs to be decentralised having regard to geographic diversities in a country like ours.

The haste with which such a law having vital importance was introduced at the end of the session makes one sceptical about the purpose for which it was introduced. Such a law needs careful scrutiny by debate, reference to all the State legislatures before it is put on the Statute Book.

It is in all fairness necessary to refer this law to a Select Committee which can invite public criticism, for this law would affect the industrial sector considerably. There has already been a resentment among the industries that they are to interact with different agencies before starting an industry. Multiplicity of regulatory agencies is not a healthy trend. All these issues need a careful consideration before the damage becomes a fait accompli.

Thank you, Sir, for giving me this opportunity.

**SHRI VISHVAJIT PRITHVIJIT SINGH (Maharashtra):** Mr. Vice-Chairman, Sir, while supporting the Bill, at the outset, I would like to quote from the words of our late Prime Minister, Shrimati Indira Gandhi, when she spoke while launching the World Conservation Strategy in India. In her Address on the 6th March 1980, she said—I quote:

“In his arrogance with his own increasing knowledge and ability, man has ignored his dependence on the earth and has lost his communion with it. He no longer puts his ear to the ground so that the earth can whisper its secrets to him. He has cut his links from the elements and has weakened resources which are the heritage of millions of years of evolution—all those living or inanimate things which sustained his inner energy—(earth, water, air, the flora and fauna) This loosening of his intuitive response to nature has created a feeling of alienation in him and is destructive of his patrimony...”

Sir, this Parliament has been exercised over the question of environment for a long time. Once again, at the First National Conference for Legislators on Environment held at New Delhi on 30th April, 1982, our late Prime Minister said:

“In earlier times the idea gained ground that growth meant some kind of exploitation—mineral wealth was exploited, forests were exploited, people as labour were exploited—and this involved much violence and waste. In the last few decades we are increasingly discovering that natural resources are limited and earth can and is being depleted of them.

I think that all of you (She was referring to the Parliamentarians) will use your energy to make our people realise the importance of the living environment to them-

[Shri Vishvajit Prithvijit Singh]  
selves, to each one of us. Our ancient books teach that Dharma or obligation is mutual. The earth will protect us only if we ourselves protect it."

This umbrella legislation, this Bill, is a proof of that. Sir, I would like to refer to Lok Sabha Unstarred Question No. 3511 answered on the 11th of December, 1985, where the Government had stated that about 43 lakh hectares of forests have been diverted to non-forest uses since independence. 132 million hectares of land in the country is affected by erosion.

Sir, again in Lok Sabha Unstarred Question No. 2431 answered on the 10th of April, 1985, the Government says that the data gathered by the National Remote Sensing Agency indicate a loss of about 18.74 per cent of forest area in the whole country between 1972-75 and 1980-82. Sir, in such a short period of time, such a huge amount of land has become waste. I would like to refer to the amount of land which has become wasteland. The figures are in lakhs of hectares. Saline and Alkaline Lands—71.65; Wind Eroded Area—192.26; Water Eroded Area—736.00, the total being 936.91. The Non-Forest Degraded Area—936.91, Forest Degraded Area—358.89. The total amount of waste land comes to 1295.80 lakh hectares. These are the figures for India I would again like to refer to the Bill. The Bill, as proposed clearly says in the Statement of Objects and Reasons:

"The world community's resolve to protect and enhance the environmental quality found expression in the decisions taken at the United Nations Conference on the Human Environment held in Stockholm in June 1972."

Now, Sir, I would like to refer to the Conference. I am quoting from keeping's Contemporary Archives, page 25477. This is the report of the

United Nations Conference. Developing Countries and the Environment.

Leaders of delegations from developing countries and officials of international organisations laid considerable emphasis on the apparent contradiction between the industrialized countries' current concern for the environment and the developing countries' need to encourage the transition to industrial status, which has itself engendered many of the environmental concerns of the conference. \*

Opinions expressed in the plenary assembly by many of the African and Asian delegates were echoed by Mrs. Indira Gandhi, the Indian Prime Minister, who blamed the world's ecological crisis on the profit motive and on policies of affluent nations which, she said, had assaulted nature in the name of progress. 'The profit motive,' she declared, 'seems to overshadow all other human considerations. This is the basic cause of the ecological crisis. This affluence was achieved by the Western world at the price of the domination of other countries.' Stating that in India 'we do not wish to impoverish the environment further, but we cannot forget our own people', Mrs. Gandhi suggested that there was a growing feeling in India for a reordering of priorities and perhaps for a move away from the orthodox notion of economic growth towards priorities centred around man."

Sir, the Conference itself made a declaration on environment. Many portions of the declaration are relevant today because they have echoed what is contained in this Bill. Their Preamble says:

"Preamble: (1) "Man is both creature and moulder of his environment which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage

has been reached when through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale."

"Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights—even the right to life itself."

And it further says:

"A point has been reached in history when we must shape our actions throughout the world with a more prudent care for the environmental consequences. Through ignorance or indifference, we can do massive and irreversible harm to the earthly environment on which our life and well-being depend."

Sir, I have only two more points to make. The Act itself is revolutionary because for the first time it has given power to private individuals under Clause 19, Chapter IV, that private individuals after giving notice of 60 days to the Central Government can move the courts and the courts will have to take cognizance of an offence which is committed under this Act.

Sir, I do agree with various Members who have voiced their concern about the fact that no authority is actually delineated. No time limit has been given. I would like to ask the hon. Minister as to what time limit has been provided. By when such Authority or Authorities would be constituted? What sort of Authorities are these going to be? Are they going to be Tribunals? Are they going to be area-wise authorities or State-wise authorities? Or, are they going to be a single authority? I would like to have this information from the hon. Minister. And I would definitely like to have the information about the time scale.

Before I end, Sir. I would like to quote from a text-book on ecology.

It is called the "Fundamentals of Ecology" by Eugene P. Odum. I think, these words are very relevant today for us. It says:

"It is not energy itself that is limiting, but the pollution consequences of exploiting energy. Pollution is now the most important limiting factor for man... To maintain order in an ecosystem, energy must be expended to pump out disorder; both pollution and harvest are stresses that increase the cost of maintenance. The more we demand from nature, the less energy nature has for maintenance, and therefore, the more it costs man to prevent disorder."

Therefore, Sir, it is right and proper that the cost for us should not be too high. And I, therefore commend the Minister and his Department for having brought this piece of legislation to Parliament. This is a historic legislation and we should be proud that it is our House at this present juncture which is passing this historic legislation which is going to go down in the annals of India as being the precursor of the future.

Thank you, Sir.

**उपसमाध्यक्ष (श्री पवन कुमार बांसल):**  
कृपया 5 मिनट से ज्यादा नहीं लेना।  
वैसे आपका समय 3 मिनट है आउटर  
लिमिट 5 मिनट।

**श्री कैलाशपति मिश्र (बिहार):**  
उपसमाध्यक्ष महोदय, अभी एक छोटे से क्षेत्र का दौरा किया था सिंहभूमि जिले के अंदर साल वृक्ष का एशिया में सबसे उत्तम जंगल है और उसका नाम सरंगघा है। पिछले 5-6 वर्षों के अंदर उस छोटे से इलाके में 20 हजार एकड़ में साल वृक्ष का जंगल ऐसा साफ कर दिया है कि हिसाब लगा कर देखा तो पता चला कि 300 करोड़ रुपये का रिकॉमिंग लास प्रति वर्ष है।

हमारे परम मित्र हुकमदेव नारायण जी यहाँ बैठे हुए हैं, जिस जिले से आते हैं

### [श्री कैलाशपति मिश्र]

वह ग्राम के वृक्षों, बगीचों, श्रेष्ठ माल्दा ग्रामों के बगीचों का घना जिला माना जाता रहा है। अभी देखा कि कई कारखाने वहाँ पर लाइसेंस देकर बैठ गये हैं। ग्राम के पेड़ों को काटा जाता है, छाल निकाली जाती है और छोटे छोटे टुकड़े बनाकर चमड़े के जैसे गलाकर व्यापार किया जा रहा है। बुरी तरह से ग्राम के वृक्षों का, बगीचों का सफाया हो रहा है। इस देश के अंदर जंगलों का सफाया हो रहा है, फलदार वृक्षों का सफाया हो रहा है और साथ साथ सांप मारने के लिए, शृंगाल मारने के लिए लाइसेंस दिये जा रहे हैं, बंदर पकड़ने और बंदर बाहर भेजने के लिए लाइसेंस दिये जा रहे हैं। यह सब ऐसे प्राणी हैं प्रकृति के ऐसे डाक्टर हैं, जो प्रकृति के अंदर, वायुमंडल हैं फैले हुए बीख को, अज्ञात रूप से इस बीख का शोषण करते हैं और मानव की रक्षा करते हैं।

सांप, बंदर, शृंगाल इनके लाइसेंस आपनली दिये जा रहे हैं बाहर भेजने के लिये। मुझे इस सरकार पर बहुत आश्चर्य नहीं लग रहा है, जो सरकार नर-कंकाल के लिये भी निर्बात लाइसेंस देने के लिये थी। देश के अन्दर जहाँ-कहीं भी छोटे-मोटे कारखाने खोले जा रहे हैं और कारखानों के लिये आप जाँच करिये कि कारखानों से, फैक्ट्री से निकलने वाला मलबा वायुमंडल को कितना दूषित कर रहा है, खेतों को बर्बाद कर रहा है, कितना खेतों को बंजर बना रहा है, तो स्थिति समझ में आ जाएगी कि एक-एक कारखाने से कितनी बर्बादी हो रही है।

आश्चर्य तो यह लगता है कि औद्योगिक क्षेत्र में भी भारत अभी आगे नहीं बढ़ा है। आबादी के बहुत छोटे-छोटे देश, जापान ले लें, अमरीका ले लें और रूस का नाम ले सकते हैं, यह सब औद्योगिक क्षेत्र में भारत से आगे निकल गये हैं। क्या कभी किसी ने हिसाब लगाने की कोशिश की है कि वहाँ पर खड़े हुये उद्योग से, उन उद्योगों से निकलने वाले मलबे से क्या वहाँ की खेती बर्बाद हो रही है, वहाँ की नदियों का

पानी बर्बाद हो रहा है, वहाँ का वायुमंडल दूषित हो रहा है।

हम जा कहाँ रहे हैं? महोदय, आपने समय सीमा का ऐसा बंधन लगाया है कि बहकाने में भी खतरा मालूम हो रहा है। एक माननीय सदस्य : बहकिए मत।

श्री कैलाशपति मिश्र: सरकार क्या कर रही है? लाइसेंस ले रही है। एक छोटी सी कहानी याद आ रही है। वह कह कर अपनी बात समाप्त कर दूंगा। दो मित्र थे, उस में से एक अच्छे शिकारी कहे जाते थे। उन्होंने अपने साथी को लिया और कहा मैं चला जंगल में घूमने के लिये। त्रसाह में वह चले गये जंगल में प्रवेश करने के बाद दूसरे को डर भय लगने लगा। उसने कहा कि जंगल में तो हम लोग चले आए, कोई शेर मिल जाएगा, कोई भालू मिल जाएगा, सिंह मिल जाएगा, और आकर सामने खड़ा हो गया, तो क्या करेंगे? तो दूसरे सज्जन को क्षणमात्र के लिये चिन्ता हुई और फिर कहते हैं कि चिन्ता मत करो। मेरी जब मैं राईफल का लाइसेंस है। शेर सामने आएगा, तो कहूंगा कि राईफल तो नहीं है, लेकिन देख लो, राईफल का लाइसेंस दिखाई दे रहा है।

बिल पास करके सारे देश की जनता को, जो प्रदूषण के संकट में बुरी तरह से फंसी हुई है, सरकार उसको वह लाइसेंस दिखा रही है। बर्बादी हो रही है।

माननीय श्री मंडारे जी के भाषण से मुझे बहुत प्रसन्नता हुई। उन्होंने शुरू में ही कहा कि अभी तक जितना बड़ा पौधा बिलों का आपने पास करके रखा है, क्या वह वाम हो रहा है? क्यों नहीं लागू हो रहा है? (समय की घंटी)

यह एक ऐसा विषय था कि जिस पर दो दिन चर्चा होनी चाहिये थी और पूरी तरह चर्चा होनी चाहिये थी यह राष्ट्रीय जीवन को भीतर से खोखला बना रहा है। आज ही सवेरे-सवेरे समाचार-पत्र उठाया तो देखते हैं कि इसी दिल्ली के अंदर नार्थ दिल्ली के भीतर एक घनी आबादी में खड़े छोटे से कारखाने में ऐसा बस्ट किया है—समा-



कार-पत्रों में दिया हुआ है कि गैस सिलंडर लीक कर रहा था। जब आग भभकी तो दो मंजिबी छत को तोड़ कर राकेट के जैसे निकल गया ऊपर नौ लोग अस्पताल में पड़े हुये हैं, मरेंगे कि जिबेंगे, कुछ कहना कठिन है।

प्रतिदिन इस प्रकार की घटनाबें हो रही हैं। आप विधेयक पास करेंगे, लेकिन जब विधेयक और पहले से गारित विधेयक लागू करने की जो आवश्यकता है क्षेत्र पर और सरजमीन के ऊपर, न आप लागू कर रहे हैं और न उनकी जांच हो रही है।

देश के अंदर जंगल जैसे कट गया, नदियों के तट के ऊपर इतने वृक्ष कैसे बर्बाद हो गये, वृक्षों को बर्बाद करने से कारखाने कैसे चलने लगे और प्राणी मात्र का निर्वात करने के लिये केवल विदेशी पंजी कमाने के चक्कर में... (समय की घंटी)—कैसे आप इस प्रकार के लाइसेंस देते जा रहे हैं कि भारत की प्रकृति बिगड़ रही है, भारत का वायुमंडल बिगड़ रहा है ?

घन्यवाद।

3 P.M.

SHRI P. N. SUKUL (Uttar Pradesh): I rise to support this comprehensive Bill.

श्री हुक्मदेव नारायण यादव (बिहार) : कभी तो हिंदी में बोलिये सुकूल जी। आप उत्तर प्रदेश की काशी नगरी के रहने वाले हैं

श्री कल्पनाथ राय : मैं हुक्मदेव नारायण जी का समर्थन करता हूँ

SHRI P. N. SUKUL: Mr. Vice-Chairman, this noise pollution should also be checked inside the House.

It is indeed a very comprehensive Bill. Some of our friends have said that there are certain lacunae and loopholes but since it is the first piece of legislation of this kind, it is quite possible that there may be some loopholes and it is only when this Bill is translated into action and becomes an Act, then those difficulties can be removed and the legislation can be improved upon or reformed.

There is no doubt that environmental pollution poses a threat to the life and various life forms on our

planet. Day and night, our rivers are being polluted, the air is being polluted, the land is being polluted. As regards the pollution of rivers, river Ganga which is supposed to be the symbol of India, which has been our symbol for ages, is today the most polluted river and that is why our Government has risen to the occasion and appointed a Central Authority to cleanse that river. I hope, similarly, other rivers also will be cleaned. Yamuna river is equally polluted. One study shows that immediately after Delhi, almost 300 tonnes of dissolved solids waste and 150 tonnes of suspended solids waste are discharged in Yamuna everyday. Similarly, take the river Gomti in Lucknow. We have made it polluted, I come from that area, I have lived there for 30 years, and because of pollution, I could never take my bath in that river. It is so badly polluted. Similiary Cavery is supposed to be the most polluted river in the South; Sabarmati is again the most polluted river in Gujarat and some friend was talking about Tungbhadra. So, these rivers are heavily polluted. Why is it so? It is because our civilisation grew along these rivers; our cities and towns came into being along these rivers and that is why all the waste, the biodegradable waste was discharged into the river and by and by we have come to this proportion of pollution. At Kanpur, you will hardly find aquatic life in the river just at a distance of 8 or 10 kilometre from Kanpur, all the effluents are discharged into the river and no aquatic life is to be found there. That is the state of pollution.

As regards air pollution, our thermal plants, power plants, our factories emit so much of smoke through the chimney and pollute the air. Whatever biodegradable waste is dumped on the land, that pollutes the land itself. That is why, pollution has come to such a magnitude and it was entirely in the fitness of things to bring about such a legislation for consideration of Parliament so that such pollution could be checked.

[Shri P. U. Sukul]

Mr. Bhandare was saying of so many enactments which are already there, like Air Pollution Act, Water Pollution Act, Forest Conservation Act, Soil Conservation Act and so on, but these enactments failed to tackle the problem and that is why, a comprehensive legislation was needed and I must congratulate our Government and the Minister for having brought this Bill to meet the situation and prevent pollution. There are other kinds of pollution. In Assam, at Rudrasagar the tubewell water is polluted by the presence of oil. In Assam, it is a different kind of pollution. All kinds of pollutions are there.

SHRI JAGESH DESAI (Maharashtra): This you cannot avoid.

SHRI P. N. SUKUL: We cannot avoid. But we have to avoid it somehow. I visited the Gwalior Raycons Factory at Mavoor near Calicut. There, so much of effluents are being discharged into the river that the well water has turned red or pinkish. I saw it with my own eyes. This kind of pollution will have to be eliminated, will have to be dispensed with.

Before this Bill, so many States Boards have been there in regard to prevention of pollution. These State Boards have failed to meet the situation. They have been handicapped because they lack certain powers, statutory powers. Therefore, I am sure, this Bill which has been brought before the House for our consideration, will go a long way in improving matters in regard to prevention of pollution. Specially, the penalties which have been prescribed. Five years imprisonment and a fine of Rs. one lakh or both. If it recurs, then, seven years imprisonment and an additional fine of Rs. 5,000 per day. These are naturally stringent punishments and I hope, with this kind of punishments, those concerned will be more vigilant and will not be polluting the air and water.

Now, perhaps, Mr. Ramakrishnan suggested that a cess should be levied. This cess can be levied on the discharge of effluents or on the consumption of chemicals that go to pollute things, as recommended by the UNO. A study was made by the UNO, under the auspices of the UNO and as a result of this study, a book 'Development and taxation' has been brought out. There, it is proposed that such a cess should be levied and the money that is collected from such a cess should be spent on improving the environment, on checking pollution and all that. I also favour this idea.

The Central authority which the Bill provides for is a very good thing. This was very much needed, to regulate and co-ordinate matters. But there is one thing which has not been mentioned in the Bill. There should also be proper monitoring of these things. There should be a monitoring cell which should monitor what measures are being taken to prevent pollution, atmospheric and environmental pollution. Only on the basis of such a monitoring, Government will be knowing the actual position. Sir, time is very short. Within a minute or two, I will be finishing. The Bill provides for the setting up of a Central authority. Similarly, the State Governments should also have their own projects to cleanse their rivers, whether it is Cauvery or Gomti or Sabarmati or Tungabhadra. The State Governments should also follow suit and should try to do as much as possible out of their own resources. Of course, the Central Government will try to help them as much as they can. But efforts should be made by the States in right earnest. It should also be ensured that only pollution-free effluents and wastes are consigned to the rivers, are discharged into the rivers. Mr. Vice-Chairman, Sir, I also had an opportunity to visit the Guwahati refinery. There, I saw that the effluent discharged into the Brahmaputra river

was 99.9 per cent pure, free from pollution. It is, therefore, necessary to ensure that only pollution-free effluents are discharged into the rivers. Otherwise, they should not be discharged into the rivers. Smoke emitted by thermal power stations, as I was saying,...

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Please conclude.

SHRI P. N. SUKUL: I am concluding within a minute. As I said, smoke emitted by thermal power stations and chimneys of various factories should also be made pollution-free, as pollution free as possible. Because of this, acid rains take place and they destroy so many things. So, if you want to be free from the acid rains, even then such emissions must be stopped forth-with.

Coming to delegation of power, as envisaged in this Bill if the powers are delegated to the State Governments, I have no objection to that, but then I have an apprehension that if the powers are delegated to the State Governments, the departments of the State Governments which are causing pollution may go on causing pollution and the State Governments may not perhaps be in a position to take suitable action against their own departments as envisaged in this Bill. In this Bill it is said that if any Government department pollutes then the head of the department will be held responsible and will be penalised, but if the powers are delegated then the provisions of this section will be diluted to a considerable extent and the desired result may not be there.

In the end, I would like to oppose the proposal of Shri Ramakrishnan for referring the Bill to the Select Committee. There appears to be no need to have a Select Committee to consider this matter. This Bill is quite comprehensive, quite clear and I hope this will go a long way in removing environmental pollution in our country. With these words I support the Bill.

श्री सूरज प्रसाद (बिहार) : महोदय, देश की तमाम नदियों का जल प्रदूषित है और वायु भी प्रदूषित हो चुकी है। शहरों के किनारे समुद्र का जो हिस्सा है वह भी प्रदूषित है। अखबारों में यह समाचार प्रकाशित हो चुका है कि दिल्ली और बम्बई में तेजाब की वर्षा होती है। भोपाल दुर्घटना के बाद कई जगहों में खतरनाक गैस के रिसने से कई दुर्घटनाएँ हो चुकी हैं। ऐसी हालत में पर्यावरण की सुरक्षा के लिये सरकार जो बिल लाई है उसका मैं समर्थन करता हूँ। लेकिन एक बात की ओर मैं सरकार का ध्यान आकर्षित करना चाहता हूँ और वह यह कि सरकार ने बिल के अन्दर सजा देने की जो व्यवस्था की है वह बहुत ही कमजोर है। हमारे देश के अन्दर एटैम्प्ट टु मर्डर के लिये सात वर्ष की सजा की व्यवस्था है। गैस रिसने से कई लोगों की मृत्यु हो जाती है। ऐसी अवस्था में पांच वर्ष की सजा की व्यवस्था जो बिल के अन्दर की गई है वह कमजोर है। मैं सरकार से कहना चाहूंगा कि अधिक कठोर दंड की व्यवस्था करे। हम कानून के पास होने के पहले दो और कानून पारित हो चुके हैं और वाटर पोल्यूशन और एयर पोल्यूशन के। उनके तहत बोर्ड भी गठित हुये हैं। मैं जानना चाहता हूँ कि ये जो दो कानून पास हुये, उनके तहत कितने लोगों पर अभी तक सरकार ने कदम उठाया है? ये बातें हमको इसलिये कहनी पड़ती हैं कि सरकार चाहे कितने कानून पास करे उन कानूनों को लागू करने की तरफ जितनी मुस्तेदी सरकार को दिखानी चाहिये उतनी मुस्तेदी नहीं दिखाती। इसलिये इस कानून के पास होने के बाद भी हमें संदेह है कि यह कानून कठोरता से लागू नहीं किया जाएगा।

मैं एक-दो बातें और इस सम्बन्ध में कहना चाहूंगा। इस में जब कारखाने खोले जाते हैं और लाइसेंस दिये जाते हैं तो योजना में ही प्रदूषण को रोकने का प्रावधान किया जाता है। हमारे देश के अन्दर जब लाइसेंस दिये जाते हैं तो पोल्यूशन को रोकने के लिये कोई खास व्यवस्था नहीं की जाती है। मैं सरकार से कहना चाहूंगा कि भविष्य में जब सरकार लाइसेंस देने लग उसी समय इस बात को ध्यान

[सूरज प्रसाद]

में रखे कि जो प्रदूषण होने का खतरा है उसे रोकने के लिये व्यवस्था है या नहीं, और अगर व्यवस्था नहीं है तो सरकार को ऐसे कारखाने खोलने के लिये लाइसेंस नहीं देना चाहिये। गंगा नदी के प्रदूषण को खत्म करने के लिये सरकार ने ढाई सौ करोड़ रुपये की व्यवस्था की है और वह खर्च होने जा रहा है। आखिर इस गंगा के पोल्यूशन के पीछे कौन जिम्मेदार है? गंगा नदी के किनारे जितने भी कारखाने खड़े हैं यह देश के पूंजीपतियों के हैं और उन कारखानों से जो प्रदूषित जल प्रवाहित होता है उस से गंगा नदी का प्रदूषण होता है। उसको साफ करने के लिये सरकार अपने बजट से ढाई सौ करोड़ की व्यवस्था कर रही है। मैं सरकार से कहना चाहता हूँ कि गंगा नदी के प्रदूषण के लिये, इसे समाप्त करने के लिये जिस रकम की जरूरत है वह उन कारखाना मालिकों से ली जानी चाहिये कि जिनके कारखाने गंगा नदी के किनारे पर खड़े हैं और यह पैसा उन से वसूल किया जाना चाहिये, न कि सरकारी खजाने से इस को खर्च किया जाना चाहिये।

तीसरी बात मैं कहना चाहता हूँ कि सरकार को चाहिये कि जो कानून सरकार पास कर रही है उसको लागू करने की दिशा में वह कठोरता से काम करे वरना कानून तो पास होते रहते हैं लेकिन कानून ठीक प्रकार से लागू न होने से उनका कोई अर्थ नहीं रह जाता है। इसलिये सरकार को चाहिये कि वह कानून जरूर पास करे लेकिन इसके साथ-साथ उन कानूनों को लागू करने की दिशा में सरकार को सख्ती से कदम उठाना चाहिये ताकि उन कानूनों का सही अर्थ निकल सके।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI RAOOF VALIULLAH (Gujarat): Mr. Vice-Chairman, Sir, I rise to support the Environment (Protection) Bill, 1986, to provide for the protection and improvement of environment. I congratulate the Government for bringing this com-

prehensive legislation for the first time and thereby proving its commitment to the protection of environment. I would start, first of all, with Chapter I. In its definition in the Bill, an "environmental pollutant" means any solid, liquid or gaseous substance. I would like to know from the hon. Minister whether noise is also an environmental pollutant or not. Also in the present time what is more important is atomic radiation and pollution through atomic radiation. I would like to know whether these two things are included in "any solid, liquid or gaseous substance".

In our quest for rapid industrial growth, over the years the environmental quality has come to be subordinated to developmental goals. We are slowly moving towards environmental damage caused by widespread land degradation, deforestation, water and air pollution and mushrooming of slums as a result of population explosion. The existing administrative and institutional framework is too weak to effectively handle the situation and the challenge of environmental protection has threatened our very survival. Therefore there cannot be a more opportune time to bring in this piece of legislation. But this legislation alone will not work. What precisely is needed today is people's consciousness, a public awareness to this growing menace of pollution in the country. I would like to draw the attention of the Government to having shifted the gravity of justice from an individual to the community orientation of public interest litigations in the country. And there are certain classic examples. The Ratlam Municipality case was an eye-opener where the Supreme Court directed the Ratlam Municipality to see that public nuisance is not created. There are other similar cases which went to the Supreme Court and High Courts of various States—namely, the Kolleru

Paper Mills case where the Andhra Pradesh High Court directed the respondents to stop releasing the factory effluents into the canal when a petition was moved by 45 people residing in that area. Sir, there are many other cases. The Roro Asbestos mines case in Singhbhum in Bihar and the Doon Valley case are but two examples of public interest litigation. In the Koel Karo Dam Project case in Ranchi, the Supreme Court has gone one step further in granting interim relief and directing the Bihar Government not to take possession of the land belonging to the tribals. Then there is the historic case in Delhi itself where in the case of the Sriram Foods and Fertilizer Company the High Court of Delhi directed the company to deposit a sum of Rs. 15 lakhs and another sum of Rs. 20 lakhs as security deposit in a bank. There are also other cases which are in sharp contrast to their cases.

In the case of Babulal versus Ghan-shyam Das Birla, the Madhya Pradesh High Court held that the Directors and Managers of the Gwalior Silk Mills could not be prosecuted for polluting the Chambal river in the absence of a specific Act. Therefore, here I congratulate the Government because the present Bill will strengthen the hands of the Courts in effectively dealing with the polluters who are playing with the health and lives of the people of this country.

Sir, I would like to draw the attention of the Government to an international legal norm called "Polluter Pays" and seek a clarification from the honourable Minister whether this international legal norm is in consonance with the present Bill. I, therefore, suggest that some kind of people's vigilance committees should be appointed which will gather and make available to the Courts authentic data which is badly required in these cases. Sir, the District Pollution Control Committees may consist of distin-

guished persons as experts to investigate and report to the Courts. In this case the Supreme Court's suggestion to set up environment courts on a regional basis with one professional Judge and two experts drawn from ecological science research group merits attention of the Government.

Sir, the Bill also says that the Central Government will constitute authority or authorities. As already mentioned by my honourable colleagues, I would like to know whether this authority will be statutory and, if not, what will be the constitution of these committees whether when these committees take a stand it will be taken up in the courts of law or not.

I would also like to make another point here. Some of the directives given by the High Courts have not been complied with by companies including public sector undertakings. The Supreme Court and High Courts had directed the State Governments to ensure installation of high-efficiency dust control devices in some industries. I know of a particular case. In Bharuch there is the Gujarat Carbons Limited owned by the Gujarat Industrial Investment and Development Corporation. It is in the joint sector. The dust which comes out of the carbon factory has spread to nearly 12 villages around Bharuch and the honourable member of Parliament of Bharuch constituency, Mr. Ahmed Patel, has strongly represented to the Government to see that this carbon dust does not harm the standing crops and the health and lives of the people there. I would like to know what action has been initiated by the Government to stop such companies which have dust control problems.

Sir, one of the honourable Members has pointed out that environmental policy is linked with urban development policy. I fully agree with him. It is linked with the national urban development policy and this Environment Protection Bill cannot be taken up independently when the land use policy is yet to be decided by the

[Shri Raoof Valiullah]

Government. Sir, environmental protection is related to the strategy of diversifying industries and promotion of decentralised urbanisation. A clear industrial location policy will ensure setting up of large industries like oil refineries, fertilizer units etc. at specific locations, facilitating a systematic industrial growth, taking adequate measures for environmental protection. Sir, unless all this is done, the Bill serve definitely a purpose but a limited purpose. I would, therefore, urge upon the Government to come out with a consolidated and a more comprehensive piece of legislation and certain amendments in respect of the land use policy and the industrial location policy also.

About effluents which are discharged...

THE VICE-CHAIRMAN (SHRI PAWAN KUMAR BANSAL): Please conclude otherwise I will call the next speaker now. That is enough.

SHRI RAOOF VALIULLAH: Just. About the industrial effluents discharged in the rivers, most of the rivers in Gujarat are polluted. Particularly the Sabarmati, as you know, Sir, is the most polluted river in Gujarat. Therefore, I also plead with the Minister that, as the Gujarat Fertilizers and some other public sector undertakings have done in Gujarat, the State Government and the Central Government may pool their resources and see that these effluents which are now discharged in the rivers are not discharged any more and that they must be taken to a long distance to a river or whatever the Ministry proposes.

With these words, I wholeheartedly support this Bill.

SHRI SUSHIL CHAND MOHUNTA (Haryana): Sir, inspite of the fact that a long time has been taken by the Government to bring this legislation after the Bhopal tragedy, I would still congratulate the Minister because he has, in any case, though late, come up with a good piece of legislation.

The time with me is short, as I am told that the time is very limited for this Bill. So, I would not be able to say all the things that I wanted to. But just I would like to give certain points as it appears to me that this Bill lacks in certain matters.

For instance, now we see that there is a regular race for setting up big industries near medium and large towns and cities. This must be arrested. Law must provide that no industry will be allowed to be set up within ten kilometres from the periphery of a town. Otherwise, we will be having pollution centres all around the cities.

Number two, the gases and liquids which are pollutant and are discharged into the rivers, should be stopped, unless a certificate is taken from the authority concerned that they will not harm the contents of water or that the pollution level of the water will not be increased. The discharge of the gases into the atmosphere should also be stopped till a scheme is given to the authority concerned on how it will be properly disposed off. The effluents should be disposed off in a way that the pollution does not increase in the atmosphere to an extent at which it reaches dangerous levels. This can only be stopped if there is a provision in the law that any industry to be set up must have a certificate of approval by the authority concerned. This is important. at all. Very

The next point is that the underground water in a very subtle manner is sought to be polluted in a number of places. For instance, one device, I know, is that in those places where there is no proper drainage system and the sub-soil water is very deep, 80 feet, 90 feet, more than a hundred feet deep, there the people who construct houses have a boring into the ground and discharge all the wastes of the privies into the ground, with the net result that after a period, the whole subsoil will be polluted and will not be suitable for consumption at all. Very great precautions

must be taken in this respect. I find there is a lacuna in this case. The discharge of the effluents which are so seriously being treated, in this case is not being made a cognizable or non-bailable offence. This provision is necessary if any detection is to be made about the pollution of atmosphere, sub-soil water or the river water. After the Bhopal tragedy we have learnt that the people affected by the pollution suffer an irreparable injury and damage in some cases. Now, the question is who is to award compensation to those who have suffered damages? How will they avail of the compensation? You should not envisage any tribunal under the Act that a person affected by pollution can go to the tribunal and make application saying this is the way pollution is taking place and this is my damage and compensation should be awarded to me. This is a very important ingredient. If you don't have it under this mechanism, then talking of fine or penalty is useless. It does not go to the coffers of the person affected by it.

You must also ensure that as motor vehicles on the road side must have a third-party insurance, because the third-party insurance means that if a person is knocked down on the road-side at least his relatives or the person if he is not dead can claim insurance from compensation from the company the factories in whose case there is danger of pollution, must also undergo a cover with third-party risk insurance because the person who has suffered as a result of the pollution can be properly and reasonable compensated in a reasonable time.

Section 18 gives protection to the Officers concerned. I can understand that. But Section 19 limits the right of the individual to seek recourse in a court of law for a period of sixty days. Now, there are certain cases of pollution where action needed is immediate. You cannot wait for 60 days. If you wait for 60 days the whole environment and the neighbour-

hood will be totally spoiled and it will be a health hazard. The ordinary civil law provides for an interim relief for filing suit for injunction against public use of it. Your law actually overrides the civil law. Therefore, you must assure us that if this law overrides the civil or criminal law of the country, where a nuisance takes place an immediate remedy can be availed of by the person affected making an application for injunction with the civil court for stopping the person spreading the pollution to stop it or to the criminal court for taking immediate action and for sealing off the factory. This is very important because we also have a remedy of immediate action of interference by the court. You allow them a period of sixty days grace within which nobody can come to take any action. You know and we know that the Government than informed about a particular malady that is taking place is very slow to act and the 60 days will pass and this nuisance repeated for sixty days cannot be tolerated. I do not know whether you want to bring in an amendment in this very law, but in any case the Minister should assure the House that the municipal law, civil law and the criminal law have not been undone by this piece of legislation.

**SHRIMATI SUDHA VIJAY JOSHI**  
(Maharashtra): I rise to support the Environment (Protection) Bill 1986.

This is a comprehensive legislation. In the past we had passed specific laws relating to the subject of water or air pollution, but at no time any effort was made to adopt a totally integrated approach. There was also the dimension that these laws, were only aimed at giving punitive or, one may say, negative role.

Another major defect was that awareness amongst people was not created. In fact in this whole issue

[Shrimati Sudha Vijay Joshi]

opinion building and creation of awareness, are of great importance.

The World Health Organisation has defined pollution, as "substances, put into environment, by the activity of man in concentration, sufficient to cause harmful effects, to his health, vegetation, property or to interfere with the enjoyment of property."

Pollution can be in the form of gases, liquids or solids.

The enormity of the problem can be gauged by the fact, that 70 per cent of available water, is polluted, 175 million hectares of land, i.e., 53 per cent of total land area of the country, is subject to serious environmental degradation. Deforestation, siltation, water, air and noise pollution, have threatened and continue to threaten, quality of life.

Threat to environment, is a global phenomenon and to some extent, there exists a conflict, between economic development and protection of environment. It is the purpose of this legislation, to strike a balance, between these two situation, and ensure that industrialisation, urbanisation, continue to grow, but at the same time, they do not cause problem to environment and lead to diminishing quality of life.

Sir, the present Bill is based on U.N. Conference on Human Environment at Stockholm. The conference had in all adopted, 106 recommendations, which were constituted into an 'Action Plan'.

Sir, now turning to the Bill, in clause 3(2), there are specific provisions for coordination of all actions, of State Government and other authorities, for planning and execution of a nation-wide programme for prevention, control and abatement of environmental pollution.

Clause 3, sub-section 2(iv) stipulates for laying down standards for emission or discharge of pollutants from different sources. This is where, the integrated approach has been adopted for the first time. It also provides for creation of authority, for the purpose of implementation of this legislation.

In clause 6, sub-sections 2(a) to 2(f), various sources of pollution have been spelt out.

However, rule making authority is left to administrative instructions. Here a word of caution, needs to be struck.

It has been the experience so far, that implementation of very limited existing laws, has been very tardy. The administration has been very casual, and in a number of cases, vested interest has played its role.

As regards casual approach, I would illustrate the point, by giving a small example. In Bombay city, in June/July, 1985, motor vehicles were subjected to, "Pollution under control check". Indeed a good move. But this rule operated only in Bombay city and at no other crowded city. This is one aspect. The second aspect is after first check was done in July, 1985, follow-up check was to be done every quarter. But everyone seems to have forgotten all about it.

I also welcome the provision, which has enhanced the punishment for contravention of provisions of the Act. I hope this would put the teeth in the law and make its infringement deterrent. It is also a welcome feature that in section 16(2), the responsibility is fixed, not only on a person directly responsible for pollution, but also on the top management of the company, for consent, connivance or neglect.

On the whole, this is a welcome piece of legislation. However, voluntary effort and dedication of persons



involved, would lead to creating awareness and public concern. Public involvement alone, can lead to betterment of standards of pollution control.

With these few words, I support the Bill.

[The Vice-Chairman (Shri Santosh Kumar Sahu) in the Chair.]

**SHRI GHULAM RASOOL MATTO** (Jammu and Kashmir): Mr. Vice-Chairman, Sir, this is a very good piece of legislation but to my mind, this has been prompted by two considerations. No. 1 is the United Nations Environmental conference held in Stockholm in June 1972 and secondly, the Bhopal tragedy. These are the two considerations that weighed with the Government. This is a very nice piece of legislation. There is no doubt about it. But the doubts expressed by my friend Shri R. Ramakrishnan are not entirely unfounded. There are many Acts on the statute book right now in the different States and certain Acts under the Central list, but this Act should have been all pervasive. When I move to see Chapter II, I find that under Article 3, it is written "subject to the provisions of this Act". Now, if instead of this or before this it should have been written, "notwithstanding any Act on the statute book in the States or the Centre, the Central Government shall have the power to take....", then it would have been all pervasive. This will make the jobs of the courts difficult. If somebody is challaned under this Act, he may take recourse to other Acts prevailing there at that time. I would request the Hon'ble Minister to make a clarification on this point to me.

The second point is that this Act is generally biased towards multi-nationals or Union Carbide type of industries but it does not, in the details envisage pollution in small ways like the pollution of the lakes, the

pollution of rivers and pollution of drinking water and such other things. Under sub-section 2, I find that planning and execution of a nation-wide programme for the prevention, control and abatement of environmental pollution is mentioned. Under sub-section 4, "laying down standards for emission or discharge of environmental pollutants from various sources whatsoever not being a ship or an aircraft" is also mentioned. So, Sir, I think, I need to be enlightened as to how this river pollution or lake pollution can come under the purview of this Act?

My next point is that the Act has to be implemented by an authority or authorities. To my mind, Sir, while this Act is being implemented and the authority or authorities created, the State Governments have to play a vital role. I would like to ask the Minister as to the constitution of these Boards or these authorities. What will be the percentage according to his idea, (although the rules have yet to be framed in that direction), but according to his conception, what should be the role of the States in implementing the provisions of this Act? This is very important Sir because I feel and I have the personal experience that if there is any Act in which entirely the Central Government has the authority, the implementation process becomes very slow because the implementation process has to be done at the State level. So, I would ask the Minister as to what he wants to do about this thing? My next question, Sir, is with regard to the point raised by my friend, Mr. R. Ramakrishnan. I would have liked that as a first step in the Act itself, it should have been provided that any effluent for any industry or otherwise should not be discharged in a river or a lake. If this provision should have become part of the Act, I think, the first step should have been taken in implementing this Act in a very rigorous way. Otherwise, if we leave it to a later stage and do

[Shri Ghulam Rasool Mahto]

not now think that the effluents have also to come under the Act, then some difficulty will arise. My next point is with regard to the lakes. As you know, Kashmir has a beautiful lake called the Dal lake. It has got polluted for reasons which I would call man-made. But the Government of Jammu and Kashmir is doing whatever is possible for it to do, and the Governor of Jammu and Kashmir, at the moment, is very keen that the Dal lake should be saved. According to some United Nations experts, if nothing is done, then within the next 50 years there will be no Dal lake, the beauty spot of Kashmir. That is why Mr. Ramakrishnan has said that the World Bank is to be approached for a loan of Rs. 60 crores to save the Dal lake. I would like to ask the hon. Minister what steps he proposes to take and what steps he has taken to get this loan for the Dal lake project which is very important for us.

Sir, I could have talked a lot on many points in this connection, but as the time at my disposal is very short, I would only take this opportunity to say that for the last two days, some disturbing news has come. Yesterday news came that the court in America has not allowed the Union Carbide case of Bhopal to be taken up in the American courts. But today news has come that the court in its order has made certain stipulations which Union Carbide has to follow. Yesterday's news had cast a little gloom in Bhopal. I would like the hon. Minister to assure the House and, through this House, the people of Bhopal that the Government will not sleep in the matter and will not take any lenient view in the matter but will follow the Union Carbide case in the courts of India as vigorously as it has followed it in the United States, so that the people of Bhopal get their due compensation. Thank you very much.

SHRI Z. R. ANSARI: Sir, at the very outset, let me thank the hon. Members who participated in this debate and let me also express my thanks for the almost unanimous support which this august House has given to this most important Bill.

Sir, the hon. Member, Mr. Ramakrishnan, has drawn my attention to the statement made by me the other day in the Lok Sabha when I said that this is a unique Bill and a pioneering step in that direction in the whole of this world. I still hold the same view. In a way Mr. Ramakrishnan is right in saying that in the USA, the environment protection law had been passed much earlier, as early as 1972. But what I meant to say was that the Bill which was passed in the USA as far back as 1972 was not so comprehensive and all-embracing. The Bill before the House is unique in that respect that it covers all aspects of environment and it is all-pervasive in the field of pollution. The US Act sets up only an authority to enforce impact assessment. This Bill has a very wide range covering all aspects of environment. In that respect, with due respect to Mr. Ramakrishnan, you will find that this country has got its own place a pioneering place in this particular field in the whole of this world. One basic difference between the laws in the USA in this field and the agency the authority which we have to create through this Bill is that the US Environment Protection Agency does not take over the functions of other authorities where as here a single authority takes over coordination of all the functions including the Factories Act, the Motor Vehicles Act, the Insecticides Act, the Poisonous Substances Act, Air (Control and Prevention of Pollution) Act, water (Control and Prevention of Pollution) Act. All these Acts are being covered under the same umbrella and therefore as one honourable member has rightly

said it is an umbrella Act which covers all aspects of our environment. It is because of this fact that naturally it will not be possible for one single authority to take care of all these aspects of environment therefore, the term used in the Bill is 'authority and authorities' In different fields, in different areas, this Act will operate through those authorities which it will create either region-wise or subject-wise. We are already having many Acts which take care of the different aspects of environment. We have the Water Pollution Prevention Act, the Industries Act, the Air Pollution Prevention Act, then the Central Pollution Control Board, the State Pollution Control Boards, and so on. These are all organisations which are involved in taking care of the environment. Wherever possible this Bill will create these agencies and make use of these agencies. And of course, State Governments have to play a very important role because it is through them that we will have to get these things implemented. Therefore, we are taking care of the involvement of the State Government. Certainly State Governments will have a larger share and a larger say in the activities under the provisions of this Bill.

There is another point which was made by Shri Ramakrishnan and that is about National Environment Policy. It is true that we do not have a formal National Environment Policy. But almost every aspect of environment work is being attended to. The Prime Minister has approved the starting of the wet land conservation programme. Probably the hon. Member Mr. Ramakrishnan has pointed out about lakes. The Prime Minister has approved the starting wasteland conservation programme to deal with lakes, etc.

Sir it is true that the National Environment Engineering Institute, Nagpur has no regular Director. It is CSIR laboratory which is working under the CSIR. I understand that the CSIR is trying hard to get some permanent Director. At present, it is true that important organisation has got only an Acting Director.

Sir one important point which has been made by hon. Mr Ramakrishnan is that the person who pollutes the atmosphere or air or water should pay the cost. That has already been provided in the Bill itself. If you just go through clause 9(3) of this Bill you will see that it takes care of it and it provides that the person who is responsible for polluting the air atmosphere has to pay the cost.

Sir, one point which has been made is that this Act, after enactment, will act through the Rules by and large because after this Act is passed it is the Rules which will govern the actual working of this Bill. Sir, this is true, As I have said in my original speech. Sir, this is a highly technical scientific and administrative matter which has to be taken care of and nobody without a sufficient back up of scientists and technocrats can decide about certain areas which should be taken care of. Therefore, Sir this is an umbrella Act. Surely, after consulting the technocrats scientists and environmentalists the State Government, the public men who are interested in the environment, we shall frame rules.

[Mr. Deputy Chairman in the Chair]

And the Rules will be placed on the Table of both Houses of Parliament and that will be the occasion when the hon. Members will just scrutinize those Rules and if there are any

[Shri Ghulam Rasool Matto]

lacunae which require re-thinking, that will be taken care of. This is true, Sir, that in such a highly technical and scientific matter the technocrats the technologists and environmentalists should be consulted because the technology cannot just become static. It is always dynamic. Today's technology may 4.00 P.M. prove to be obsolete tomorrow. Therefore at every stage we have to take care of the opinion of the technologists and environmentalists before taking any action in this direction.

श्री सुशील चन्द मोहन्ता : सैकशन  
19 के बारे में भी बोलिए ।

श्री जेड० आर० अंसारी : अभी  
बताता हूँ ।

Sir, the hon. Member Shri Maheswarappa has raised some points regarding air pollution and asked about the action that we were taking. We have 59 pollution monitoring centres in 17 States and more are being set up and the same thing is being done in the water pollution areas.

Some hon. Members have said that 5th June should be observed every year as world Environment Day. Already 5th June is observed every year as World Environment Day and this year also it is being observed as such in many States and in Delhi also.

Some hon. Members have asked about prosecution and the working of earlier Acts such as Air Act and Water Act. This is true that these Acts have got their own limitations. We are in the process of bringing about certain amendments in order to make them more effective and provide them the teeth which may give them more powers to control effectively this sort of nuisance. We are considering these amendments and

after some time we will come before this august House with those amendments in the Air Act and water Act and other Acts such as Motor Vehicles Act, Factories Act, etc. The different Ministries which are responsible for these Acts and which are the nodal Ministries for these Act are considering all these aspects in order to amend these Acts.

SHRI GHULAM RASOOL MATTO:  
And also the State Acts or any Acts that may be in force in the States.

SHRI Z. R. ANSARI: I am talking about the Central Act. The State will take care of its Act. The Bill which is before us will cover the whole gamut of these Acts, the State Acts and other things.

SHRI SUSHIL CHAND MOHUNTA: We were saying that the Municipal laws and the Criminal laws provide immediate remedy. You make an application and there is immediate remedy.

SHRI Z. R. ANSARI: I am coming to Clause 18 and Clause 19. I am also coming to the provisions of Cr. P. C. I am coming to them one by one. I will give a reply to all the questions. I just want to apprise this august House about the cases of prosecutions made under the Water Act. Sir, the State-wise number of cases launched under the Water Act was 674. And out of these 674 cases, the decision has been given in 121 cases. And out of these 121 cases, 110 cases ended in conviction and in favour of the Pollution Control Board. And only 11 cases went against the Board. And now there are 553 cases which are in different stages of court proceedings. Sir, under the Air Act, only 5 cases in Madhya Pradesh are reported to have been prosecuted. Sir, as I have said, with the strengthening of those laws, probably it would be possible to take more strict and stringent action against the miscreants.

Sir, my friend, Mr. Raoof was very much concerned about noise pollution...

**SHRI RAOOF VALIULLAH:** And radiation also.

**SHRI Z. R. ANSARI:** ...and radiation also. I am glad to inform the hon. Member Mr. Raoof, that both these things are covered under the present Bill. If you just go through Clause 6(2)(B) of the Bill, noise is covered. Atomic radiation is also covered under this legislation.

Sir, one hon. Member has said the damages which have to be granted to those persons who have suffered. It is a relevant point. But, Sir, this is actually an umbrella legislation to provide for deterrent punishment to the miscreants. This is not a piece of civil legislation. And for that civil legislation is there, the Law of Torts is there which shall take care of the actual damage and compensation which shall take care of the actual damage and compensation which has to be provided to those persons who suffered a loss. And that does not come under the ambit of the present legislation.

**SHRI SUSHIL CHAND MOHUNTA:** There is the Tribunal for the motor vehicle accidents.

**SHRI Z. R. ANSARI:** There is the question of a tribunal. An Environmental Tribunal has been suggested by the hon. Supreme Court. And that matter we are considering. There are some difficulties. We are just considering what view we have to take. We have agreed to the other recommendation of the hon. Supreme Court for laboratories and other things. But this aspect whether we should have some courts specifically for environmental protection is still being looked into. Sir, about the location of industries...

**SHRI SUSHIL CHAND MOHUNTA:** The most important point which I was making was when there

is a dangerous gas which is coming out of some pollutant which causes immediate damage. I am expecting the damage. Can I go to the civil court under the law? Can I go to the court under the Criminal law under Section 123 and apply to the Magistrate that this is causing terrible nuisance and may cause damage to the life? Can it be done in spite of Section 19 of the Act which allows a 60-day period? This is what I am asking.

**SHRI Z. R. ANSARI:** Sir, that Section 19 is not for the damages.

**SHRI SUSHIL CHAND MOHUNTA:** Not damages, but prohibition.

**SHRI Z. R. ANSARI:** Section 19 only gives the power to private individuals to go to the court against any erring industrialists, against any person who had polluted the air or the water or created any sort of pollution. To be fair to the person and to give a fair chance also to the Authority, the only provision is that a notice to the Authority which is responsible for taking care of environment, should be given and after the expiry of 60 days, the private person can go to the court. This provision has been put only to check any frivolous litigation and also give time to the agency or the authority so that when the fact comes to the notice, the authority may within 60 days go to the court and file a case against it. But if the authority fails, then the private person will be at liberty to go to the court and file a case against that person.

**SHRI SUSHIL CHAND MOHUNTA:** That is after 60 days and by that time he will be dead.

**SHRI Z. R. ANSARI:** The restriction on the location of industries has already been provided in clause 3(2) (b) and clause 6(2) (e) and I refer to these two clauses which will take care of the location of the industries.

[Shri Z. R. Ansari]

There is one Constitutional point raised by one hon. Member that State Governments have not been consulted. This has been taken care of and this is perfectly within the Constitutional framework and it is the outcome of an international conference and this is the Bill which is covered under article 253 and Entry 13 probably.

The last point which I want to deal with is the amendment of Mr. Ramakrishnan to refer the Bill to a Select Committee. We are already very late. The hon. Members have shown their concern that after the Bhopal tragedy, we ought to have taken expeditious action, the Government was very much willing to take that action and to bring about this Bill as soon as possible, but because of certain constraints and certain legal opinions, we could not do it. We are already too late and we do not want to delay this matter any more because this Act only gives power to the people and the Central Government to act in this regard. The real thing will be the framing of the rules which will come before Parliament and I assure this hon. House that as soon as this Bill will be passed, and it gets the assent of President, the machinery of the Ministry of Environment will be all for taking the opinion of environmentalists and scientists and technicians and the State Governments to frame the rules under this Act so that we may be able to control the pollution which is so very detrimental to the people and all living creatures on this planet.

SHRI R. RAMAKRISHNAN: After hearing the satisfactory and complete answer. I seek leave of the House to withdraw my motion.

SHRI SUSHIL CHAND MOHUNTA: Sir, the hon. Minister has either not understood my point or is not willing to reply. If he does not want to reply, it is his sweet will.

But I do not think, he has understood Clause 24 says here:

"...subject to the provisions of sub-section (2) the provisions of this Act and the rules or orders made therein shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act."

For example, there was this gas leak in the Shriram Unit. Fumes were coming out. People were able to approach the court immediately. They said 'we will die if these fumes are not immediately controlled'. That is how, the court intervened in the matter. But in this Bill, as per the provisions of clause 19, sixty days notice is required to be given. If we have to wait for sixty days for seeking the intervention of any authority. So much damage would have been caused. By this, the ordinary remedy of going to the court is abrogated.

MR. DEPUTY CHAIRMAN: Mr. Minister, would you like to react on this?

SHRI Z. R. ANSARI: I have said that this power which has been sought is an overriding provision. In fact, clause 19 does not prevent invoking other provisions like the Criminal Procedure Code or other civil laws. These laws can be made use of. But as far as this particular thing is concerned, this is a criminal liability. The authority is there to take care of the environment and, therefore, this sixty days notice is necessary.

MR. DEPUTY CHAIRMAN: Now, Mr. Ramakrishnan has sought permission to withdraw his motion seeking the reference of the Bill to a Select Committee. Does he have the leave of the House to withdraw his motion?

*The Motion for reference of the Bill to a Select Committee was, by leave, withdrawn.*

MR. DEPUTY CHAIRMAN: I will now put the main motion to vote: The question is:

"That the Bill to provide for the protection and improvement of environment and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

MR. DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

*Clauses 2 to 26 were added to the Bill.*

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

SHRI Z. R. ANSARI: Sir, I beg to move:

"That the Bill be passed."

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

#### ANNOUNCEMENT RE: SUPPLEMENTARY BUSINESS

MR. DEPUTY CHAIRMAN: I have to inform hon. Members Shri V. N. Gadgil, Minister of Information and Broadcasting, will make a statement today on the recommendations made by the Second Press Commission. Thereafter, Shri M. Arunachalam, Minister of State in the Department of Industrial Development will make a statement on the decision of a U.S. court on form-non-conveniens—Bhopal gas disaster.

The statements will be made at the end of the Business, entered in today's agenda.

I have also to inform the Members that before we take up the next item on the agenda, a newly nomi-

nated Member of the Rajya Sabha will be taking oath.

#### MEMBER SWORN

Shrimati Amrita Pritam (Nominated).

#### THE WILD LIFE (PROTECTION) AMENDMENT BILL, 1986

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): Sir, I beg to move:

"That the Bill further to amend the Wild Life (Protection) Act, 1972, as passed by the Lok Sabha, be taken into consideration."

The wild Life (Protection) Act, enacted in 1972, provides uniform legislation for wildlife conservation efforts throughout the country, with the exception of Jammu and Kashmir which has its own act enacted in 1978.

Since 1972, with the changing times, the Wild Life (Protection) Act has been found wanting to deal with various aspects of wildlife conservation. While comprehensive proposals for amendment of the Act are being finalised, the aspect of trade or commerce relating to endangered species of wild animals is causing serious concern and needs urgent attention.

Next to habitat destruction, the major cause of wild life depletion has been its commercial exploitation. This is true of India as it is elsewhere. The most serious offences today under the Wild Life (Protection) Act are those which pertain to poaching for purposes of sale, or trade offences. A ban on the trade and taxidermy of animals and articles therefrom, which are endanger-