

[Shrimati Purabi Mukhopadhyay.]

reluctant to get a professor as a bridegroom for his daughter because everybody in the country knows that the teacher and the professors are the victims of circumstances. Even the Government and the functioning agencies, the private college authorities, do not care a little to pay them regularly.

SHRI BHUPESH GUPTA : I hope your husband did not have any difficulty.

SHRIMATI PURABI MUKHOPADHYAY : He is in a Government college which is represented by my friend opposite and he gets his salary regularly but about the private colleges . . .

SHRI LOKANTH MISRA : Here is evidence that in Orissa nobody has any difficulty.

SHRIMATI PURABI MUKHOPADHYAY : That I will not say. In the private colleges, regarding the service conditions of teachers, they are actually temporary and they do not have any provident fund and if they are temporary and one does not know how long they will be in that temporary stage. So in all humility I will request the Education Minister in the Government of India, who is himself a well-known educationist in the country to go deep into the problem and not give a superficial answer in the House that he would send an officer to know the problem. He knows the problem, whether he is a Minister or not and he should have sufficient urgency in him to find out the solution. This is not the first time when we are speaking about teachers and professors. In the last session also we talked about professors. He assured the House and I do not want to waste the time of the House nor do I want the Minister to waste the time of the professors in giving a final decision about it.

SHRI BHUPESH GUPTA : I hope the mother-in-law has been given a good beating by the daughter-in-law.

PROF. V. K. R. V. RAO : Quite honestly I was trying to follow the speech which also contained a question of the hon. lady Member. I got confused. There were so many mother-in-law, father-in-law, professor,

beatings, etc. in that speech that I did not quite understand it. Also I did not understand when she said that I got any beating as a teacher and now as a Minister, I am beating the teacher. I do not know; it may be a political way of expressing oneself but, Sir, I am not accustomed to this kind of language. All that I would like to remind the hon. lady Member is this. She, I believe, was a Member of the West Bengal Government. . .

SHRIMATI PURABI MUKHOPADHYAY : Yes.

PROF. V. K. R. V. RAO : . . . and it would be very interesting to find out how the West Bengal Government, of which she was a Member, dealt with these problems. I shall be very glad to put one of my research students to find out what happened to college teachers and school teachers during the period when my very distinguished and very eloquent friend was a Member of the Government.

SHRIMATI PURABI MUKHOPADHYAY : Please give me a chance to reply to this, Sir.

MR. DEPUTY CHAIRMAN : No more.

श्री राजनारायण : श्रीमन्, मैं चाहता हूँ कि नेता सदन प्रधान मंत्री को हमारी यह मांग पहुँचा दे कि पश्चिमी बंगाल के अध्यापकों को तनख्वाह शीघ्रातिशीघ्र दे दी जाय ।

THE PREVENTION OF WATER POLLUTION BILL, 1969

THE MINISTER OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI K. K. SHAH) : Sir, I move :

'That the Bill to provide for the prevention of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith, be taken into consideration.'

Sir, pollution of sources of water for human consumption on account of indiscriminate discharge of liquid wastes from industries and sewage effluents from cities and towns has become a source of danger to the country's economy and public health. With a view to maintaining wholesomeness of water courses a comprehensive legislation is urgently needed. On more than one occasion hon. Members of both Houses of Parliament had expressed the need for Central legislation on the subject. The Central Council of Local Self-Government also resolved that a single law regarding measures to deal with water pollution control activities both at the Centre and State level may be enacted by Parliament. The present Bill seeks to provide adequate safeguards against the problem of water pollution by establishing at the Centre as well as in the States a suitable machinery to deal effectively with the problem. The Legislatures of the States of Assam, Gujarat, Haryana, Jammu and Kashmir, Kerala and Mysore have passed necessary Resolutions enabling Parliament to make a law under Clause (1) of Article 252 of the Constitution. I hope hon. Members will welcome this measure.

[THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) in the Chair]

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) : Those who want to move their amendments may please do so.

SHRI U. N. MAHIDA : Sir, I move :

"That the Bill to provide for the prevention of water pollution and the maintaining or restoring of wholesomeness of water, for the establishment, with a view to carrying out the purposes aforesaid, of Prevention of Water Pollution Boards, for conferring on such Boards functions relating thereto and for matters connected therewith be referred to a Joint Committee of the Houses consisting of 36 members, 12 members from this House namely,

1. Shri Nawal Kishore
2. Chaudhary A. Mohammad
3. Shri M. H. Samuel
4. Shri Balaram Das
5. Shri Baharul Islam
6. Shri Kalyan Chand

7. Shri Jagdish Prasad Mathur
8. Shri U. K. Lakshmana Gowda
9. Shri G. A. Appan
10. Shri Salil Kumar Ganguli
11. Shri U. N. Mahida
12. Shri Mohan Dharia,

and 24 members from the Lok Sabha.

That in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

That in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

That the Committee shall make a report to this House by the first day of the next session; and

That this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

Sir, I rise to support this Bill. I welcome it, and in doing so I congratulate the Health Ministry for bringing in this Bill before this House though they are concerned in the whole matter in a limited way but in an important way. The question of prevention of pollution is only one part of the major question of conservation of water resources, and I am inclined to say that, while this House vested powers in the Government of India as early as in 1956 in that Act known as the River Boards Act, 1956, which specifically included Section 13(vii) "Powers for prevention of Pollution of waters", the Irrigation Ministry concern in that particular aspect and which has the larger conservation interest in its charge, has failed to do anything, for a length of fourteen years. It is the Ministry of Irrigation that is largely concerned with this matter. I will come a little latter as to why this Bill will be a little short of what is required. That Irrigation Ministry has practically abdicated its powers and failed to take the measures which the Parliament authorised it to take fourteen years back. I again refer to the River Boards Bill in which there is a specific provision for prevention of water pollution.

[Shri U. N. Mahida.]

Now coming to the scheme of this Bill, as I said earlier prevention of water pollution is a part of the larger process of water conservation and in a country like this, measures for prevention of water pollution can be defeated unless we are also keen and careful about the question of water abstraction. This Bill will have to look after this aspect and that is one of my major reasons why I want that this should be thrashed out in a more deliberate way.

Secondly, this is after all a measure taken up by the Government of India with the consent of the States. Five or six States have consented to this while others have not. The Bill which we shall thrash out should be such that other States will welcome it, that they will adopt it. Unless the Bill is such that they will welcome it and adopt it, the Bill will not serve its purpose. And to so arrange that other States will welcome it there must be no conflict in the Bill between the powers of the States and of the Centre. No doubt six States have consented to this but in this matter of prevention of water pollution it must be remembered we will be dealing with rivers and rivers in India in most of the States are inter-State rivers. We are already having inter-States river water disputes and let us not add anything in this measure that will give rise to further conflicts between the States and the Centre. The Bill has at certain places given indication that it will take up the question of resolving conflicts between States. Resolution of inter-State conflicts is not a task which can be effectively carried out by a measure of this kind. So this Bill will also have to be considered in the light of these observations that the majority of the rivers with which the Bill will deal are inter-State rivers.

Coming to the boarder question, we are wanting a measure of this kind because though day in and day out we speak of our rivers with the greatest respect गंगा के जलमूले चैव and so on, yet we do not mind polluting these very rivers in our morning activities. Not that the people in India are not concerned about hygiene and pollution but the point is, conditions have changed. Because of lack of dilution, pollution of these rivers by sewage, industrial wastes etc has changed the position completely and that is why this measure has come up. You take other countries.

England, for example, passed a Water Pollution Bill as early as 1873. The next phase came with the enactment of an Act in 1954. Then they had to re-enact it in 1960 and again in 1961. In spite of all these four measures they had to have the Water Resources Bill of 1964 which had to coordinate the activities of all the four Bills. Therefore my submission to this House is that this Bill must be considered in this broader aspect.

Regarding the important provisions of the Bill, if it is likely to be accepted to be sent to the Select Committee, I will not take the time of the House but there is one point which I will try to make. When this Bill becomes law, the law must be enforced. Let it not happen like what happened to the River Boards Bill of 1954. Let this Bill not emerge as an Act which may also meet the same fate as the River Boards Bill of the Irrigation Ministry. Let the Boards that are being constituted here not merely become advisory boards. There have been Public Health Advisory Boards 20 years back. I myself have been Secretary of a Public Health Board. Let these Boards be not such advisory boards. If you read the scheme of the State Boards you will find that all of them get diluted into advisory boards. Not that they are exactly intended by the law to be so, but the intentions of the law must be made very clear. The States will have to enforce this Act. The State Boards must be given sufficient authority and the Centre, I respectfully submit, should not take this occasion to infringe on the powers of the States by certain subtle schemes and clauses that are in the Bill, which I will be taking up a little later.

Then, I come to the very important question. We are trying to prevent pollution, for what purpose? For better amenities, for sustaining life, for agriculture and industry. Let the provisions of the Bill be such as will not hamper production. The country's energies will have to be geared to the largest possible production that we can get from the resources that we have. The provisions of the Bill should not be such as would have an undesirable or unpardonable stranglehold on industries. I am not pleading the cause of industries, but the industries must realise that the cost of prevention of pollution of water is also a manufacturing cost. If the cost of manufacturing articles goes up a little by this measure and the community is not willing to bear it, the industries

would not welcome this Bill generally. They have no protested, but they should realise that the time has come when measures like this are to be treated as a charge on industry or in their industrial cost. Not only that. It is time they realised that the implementation of this Act will also facilitate their work. Most of the water, when it is polluted and if it has to be used by industry, it will mean that the cost of treatment of the water will be very high. The standard of water required by industries in various spheres is so high today that unless there is prevention of pollution of water the cost of raw materials—and water is an important raw material—will increase. I, therefore, feel that industries should also welcome this Bill in spite of certain restrictions that are going to be put on their activities.

Then, there is only one more item and I would again request a little indulgence from you. India is a country which depends on water resources. Mere treatment and prevention of pollution and then wasting all these waters into the sea is going to be suicidal, when we are facing lack of water supply. All the countries of the world, including India, are facing a situation by which in the year 2,000, as a French scientist and water technologist has said, we may have only sea water to drink! That is the shortage of water which we are going to face. India is facing this trouble of inter-State water disputes and we are threatened with water shortage. Naturally when such a Bill is before the House, the reuse of all these waters and not wasting them into the sea, should be our policy in this Bill for the prevention of water pollution. Mere prevention is not sufficient. Our activities shall have to be geared to reusing the waste waters, both sewage and industrial. This will require a scheme of research towards which there is some indication in the Bill. May I submit, Sir, that we all feel and like to believe for a moment, that science is ethically neutral. Is it ethically neutral? In adopting our standards we have been, I am sorry to say, very often just adopting foreign standards. For some of the standards that we are thinking of in connection with this Bill till today we are merely adopting standards which have been copied from the books, which have not been tested under Indian conditions and that has brought tremendous harm to the

country. As the Bill is going to the Select Committee, I will only mention about research. Our research must be so oriented that we do not just adopt such standards, because millions of rupees have been lost to manufacturing firms of foreign capitalists because our Ministries and our Health experts have been just copying standards given in books; and not only that, they have been perpetuating the standards. When you have the great institution, what is called CPHRI, Central Public Health Research Institute, and you have your research programme? who directs such programmes? You had at the head of the research committee a director, a sales director, a person interested in selling American plants. So, standards will have to be evolved and fitted in with the requirements of our country. Let those standards be not copied.

I have only one extra point to say. There is an excellent provision in the Bill for prevention of pollution by new culprits. But what about the old? The provisions in the Bill do not make a distinction between the old offenders, the old discharges and the new. There is a slight provision but it is not very clear. Another thing. When you make such a measure, the transition period will have to be there. The people and the industries and the cities will have to be given sufficient time to change over to adhering to the requirements of the law, and to that extent a distinction will have to be made with regard to the provisions for new offenders and the old ones.

I have spoken about research. I have spoken about the transition period. Only one thing I suggest now.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) : I hope the last now.

SHRI U. N. MAHIDA: I respectfully commend my motion which I now read out, and that is that the Bill be referred to a Joint Committee . . .

THE VICE CHAIRMAN (SHRI TRILOKI SINGH): The House is aware of your amendment. You need not read it.

The question was proposed.

SHRI K. K. SHAH: I accept the amendment referring this to a Joint Committee. Therefore, no further discussion should be allowed.

THE VICE CHAIRMAN (SHRI TRILOKI SINGH) : The Leader of the House and the Minister in charge of the Bill has said that he is going to accept it. The Chair has four names of hon. Members two of whom do not seem to be present in the House. Two are there, Shri Kemparaj and Shri Man Singh Varma. Mr. Kemparaj, would you like to make a speech after the Leader of the House has accepted the amendment?

SHRI B. T. KEMPARAJ (Mysore) : I have to make some suggestions, I want to place before the House certain views.

SHRI VICE-CHAIRMAN (SHRI TRILOKI SINGH) : May I draw the attention of the hon. Member that he has only five minutes at his disposal? At five, we have another business to take up.

SHRI B. T. KEMPARAJ : Let this go on next day.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) : If you are brief, it would be all right. Otherwise, you shall have to resume it the next day.

SHRI B. T. KEMPARAJ : Mr. Vice-Chairman, this is one of the Bills for the formation of Boards. We have got Boards for every branch of the administration or for every unit. This Board is also anticipated to come into existence as soon as this Bill is passed. Though the Bill is to be referred to a Select Committee as has been suggested by the hon. Member who just now spoke and it has been duly endorsed by the hon. Minister. I want to say that there are certain provisions which require the attention of the Government. The first point is that the Central Government has got enormous powers over the Central Board. Similarly, the State Governments have got enormous powers over the Boards that are to be constituted in the States. Whenever a question is decided either by the Central Board or the State Board, either the Central Government or the State Government can call for the entire record pending before those Boards under clause 24 of the Bill. Therefore, my suggestion is, when such a power is invested in the Government, what is the work that is left to the Board? That is a point to be considered.

Again there is the creation of the appellate authority. Whenever any question is decided by any Board, the aggrieved person can go in appeal to the appellate authority. Even when the matter is pending before the authority, the Government can call for the record. Such a procedure will not be proper and justice cannot be done. We have got the Revenue Boards throughout the country. Therefore, my suggestion is, let the appellate authority be an independent body. To give an analogy, wherever there is the Revenue Board in the State or at the Centre, the Central Government *suo motu* cannot interfere with the working of the appellate authority. Therefore my suggestion is, whenever the appellate authority decides any matter, the appeal must come directly to the High Court, not to the Central Government or the State Government. The State Government's jurisdiction should not be there to control the appeals or any cases pending before the appellate authority.

Regarding other matters, Mr. Vice-Chairman, the constitution of the Board is there. The Chairman has to be nominated by the Centre as well as the State Board. And the representation that has to be filled up by members is also there. Whenever such Boards have to be constituted, the Chairman is to be nominated by the Central Government and five officials are also to be nominated by the Central Government to represent the Government. So, the constitution of the Central Board is a complicated one where the definiteness of the member is not mentioned properly. The Select Committee, I think, will take this matter into consideration to find out the exact number of members to constitute the Central Board.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) : The Chair would like to draw the attention of the hon. Member that it is five. We have to take up another business.

5 P.M.

SHRI B. T. KEMPRAJ : I will continue.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) : In case you are likely to finish within three, four or five minutes you may finish.

SHRI B. T. KEMPARAJ : No.

श्री राजनारायण (उत्तर प्रदेश) : श्रीमन्, हम लोगों को भी काफी बोलना है। तमाम गंगा की पवित्रता का प्रश्न इससे सम्बन्धित है।

HALF-AN-HOUR DISCUSSION ON POINTS ARISING OUT OF THE ANSWER TO STARRED QUESTION NO. 214 GIVEN IN THE RAJYA SABHA ON 5TH AUGUST, 1970, REGARDING THE BILL RELATING TO CEILING ON URBAN PROPERTY

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) : Hon'ble Mr. Krishan Kant will now raise a discussion on points arising out of the answer to Starred Question No. 214 given in the Rajya Sabha on the 5th August, 1970, regarding the Bill relating to ceiling on urban property.

SHRI KRISHAN KANT (Haryana) : Vice-Chairman, Sir, with your kind permission I would like to raise a discussion on points arising out of the answer to Starred Question No. 214. I think the hon'ble Minister should be here because the Minister of State cannot reply to the points which I am raising. Mr. K. K. Shah should remain here though even he cannot reply all the points.

THE VICE-CHAIRMAN (SHRI TRILOKI SINGH) : Please go on.

श्री राजनारायण (उत्तर प्रदेश) : यह बड़ा आपत्तिजनक है। कैसे कह सकते हैं सम्मानित सदस्य कि मंत्री इसका जवाब नहीं दे सकते।

उपसभाध्यक्ष (श्री त्रिलोकी सिंह) : वे अपने सवाल को उठाएं, तब यह देखा जायगा।

श्री राजनारायण : यह कहना मंत्री का अपमान है कि वह इसका जवाब दे ही नहीं सकता। यह बहुत आपत्तिजनक है।

THE MINISTER OF HEALTH AND FAMILY PLANNING AND WORKS, HOUSING AND URBAN DEVELOPMENT (SHRI K. K. SHAH) : I agree with you.

श्री राजनारायण : यह गुलामी जहनियत है।

श्री कृष्ण कान्त : हम कहते हैं कि तुम्हारा भी कल्याण हो जाय।

श्री राजनारायण : वह हमेशा चाहते हैं कि प्रधान मंत्री इनकी बात सुनें।

SHRI KRISHAN KANT : Mr. Vice-Chairman, Sir, I beg to raise a discussion on points arising out of the answer to Starred Question No. 214 given in the Rajya Sabha on the 5th August, 1970, regarding the Bill relating to ceiling on urban property. Sir, when I asked Mr. K. K. Shah to stay on it was not merely because I thought that Mr. Parimal Ghosh would not be able to reply because the whole gamut of the problem has not been answered in the report we saw in the newspaper about the proposed Bill which they have circulated to the various State Governments about the ceiling on urban property.

Sir, there seems to be basic confusion in the whole conception in the State Government and the people about it. The heading here is "Ceiling on Urban Property". And what do we mean by "urban property"?

Mr. Vice-Chairman, the whole conception is the result of struggle that is going on in this country for a number of years to build up an equalitarian society, a socialist society. This ceiling on urban property is one step forward on that.

Mr. Vice-Chairman, Sir, we have in this country passed legislation for ceiling on agricultural land. It means not only land but also income from land. This point does not seem to have been made clear by the Government or the Minister. When the 10 point programme was discussed and the A.I.C.C. formulated ceiling on urban property it was the whole gamut of property with various spill-overs. It means income from that property and the property as such. When a ceiling on the rural sector land was placed, it meant not that land was not only for living on but it gave income. And when we put a ceiling on urban property it presumed that it should compare with the ceiling on income from land in the rural sector.

SHRI K. K. SHAH : I want to correct my hon'ble friend. When we have imposed a ceiling on land in the rural areas we have not imposed a ceiling on income from that land.