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Delhi Govt. seeks time for relocation of industries

By Our Legal Correspondent

NEW DELHI, NOV. 28. Even as the Supreme Court found fault with the Delhi Government for not complying with its order to relocate the polluting industries, the State Government pleaded for granting time till 2002 to complete the exercise.

A Bench, comprising Mr. Justice B. N. Kirpal, Mr. Justice Doraiswamy Raju and Mr. Justice Brijesh Kumar, did not agree with the submissions made on behalf of the Delhi Government that it could not implement the Court order, as it faced a huge exercise of shifting over one lakh industries which fed 20 lakh workers.

The Bench shot back and said "we are also equally concerned with the livelihood of the workers. If you are not implementing the orders you should have apprised us and come to court for a proper order. You should have taken us into confidence before deciding not to close the polluting industri-

es."

When senior advocate, Mr. K. K. Venugopal, arguing for the Delhi Government, pointed out that quarterly status reports were filed on compliance of court orders and that the Court did not point out that it had failed to obey orders, the Bench asked "is it our duty to point out to you."

The Bench was hearing the show cause notice for contempt to the Chief Secretary, Delhi Government, and the Commissioner of the Municipal Corporation of Delhi for not complying with the Court order. The Chief Secretary, Mr. P. S. Bhatnagar and the MCD Commissioner, Mr. S. P. Aggarwal, were present in the court today.

When Mr. Venugopal said that 1.01 lakh industries would be affected, the Bench wanted to know as to how the figure was arrived at, as when an advertisement was issued in newspapers, only about 40,000 industries had applied for allotment of land.

SC blasts Delhi Govt again

'Delhi was much better under a Commissioner'

HT Correspondent

New Delhi, November 29

THE SUPREME Court today stated that civic amenities in the national Capital had come to nought on account of the administration's failure.

"Is there any civic amenity which is available to the citizen's in the country's Capital?" the court asked while hearing the Government's arguments on contempt notices to the Delhi Chief Secretary and MCD Commissioner. The notices were issued to them to explain why they should not be punished for contempt of court for not complying with the court's orders to close down polluting industries.

A bench headed by Justice B.N. Kirpal went on to observe: "The situation has become worse. Delhi was much better when it was a Commissioner's province." Referring to the presence of 40 lakh slum dwellers, the judge posed

the question: "Tell us, which illegal activity is not going on (in Delhi)?"

In the context of the Delhi Government's concern over rehabilitation of 20 lakh workers due to closure of polluting industries, the court noted that these migrant labourers would be willing to go anywhere since they did not belong to Delhi. The court blamed the owners of industrial units for the prevailing crisis, saying that they were the ones who did not want to leave the Capital.

Referring to the death yesterday of a child who inhaled "obnoxious" emissions from a polluting industry, the court queried whether the unit was identified as one of the 3,400 polluting installations. However, neither the Delhi Government nor the MCD could respond to the poser. "It is a shame if they (the Chief Secretary and MCD Commissioner) have not found out what happened yesterday," the court remonstrated.

Representing the Delhi Government, senior counsel K.K. Venugopal said the administration did not have executive powers to seal industrial units. Only the DDA, the MCD and the Delhi Pollution Control Board were empowered to carry out the task.

Mr Venugopal said the MCD, as the licensing authority, could prosecute polluting units. Likewise, the DDA decided the question of allotting land to them in conforming and non-conforming areas.

"Is it your contention that the DDA and the MCD are responsible if there is a violation of the Master Plan?" the court asked Mr Venugopal. To that, the latter responded by stating that the Government wasn't attempting to evade its responsibility.

As for the information sought by the bench on the power tariff and house tax levied on polluting industries, Mr Venugopal requested for more time.

Delhi Govt goes down on its knees before Supreme Court

HT Correspondent
New Delhi, November 28

DELHI GOVERNMENT Chief Secretary P. S. Bhatnagar tendered an apology of sorts to the Supreme Court today in response to a contempt notice for non-compliance of directions for closure and relocation of polluting industries operating out of the national Capital's residential areas.

In his affidavit, however, Mr. Bhatnagar denied that there was any "willful disobedience" of the court's orders. Representing the Delhi Government, senior counsel K. K. Venugopal argued that the task of removing and shifting of such units involved a massive exercise that would not be complete before 2002.

A division bench headed by Justice B.N. Kirpal responded to Mr Venugopal's contention by pointing out that the Government had not pleaded for more time to implement the court's orders.


BENCHMARKS

THE BENCH WAS TOLD

- Non-compliance of court orders since 1996 was not 'willful'.
- 20 lakh workers need to be rehabilitated. Relocation can be completed earliest by 2002

THE BENCH SOUGHT

- Details of licences issued to industrial units after 1995 in non-conforming areas.



Graphic by SANJAY

Continuing his arguments, Mr Venugopal said the Government did not dispute the fact that there were polluting industries in the Capital. He also took the plea that it was not possible to remove all polluting units without providing

them alternative sites.

The counsel informed the court that the relocation plan also entailed rehabilitation of 20 lakh workers. To a query by the court, he replied that there were 28,007 industrial units in the conforming areas and 97,411 in non-conforming areas.

Mr Venugopal informed the apex court's bench that the Government had removed all water polluting units but was yet to identify industries that were a source of air and sound pollution.

Adjourning the case till tomorrow, the bench sought details of power tariff for industries in non-conforming areas. It also made queries about the number of polluting units in such areas.

On November 14, the bench had issued notice to the Chief Secretary to explain why he should not be punished for contempt of court for not complying with repeated orders since 1996 to shut down polluting industries.

Opposition to closure of industries flayed

STATESMAN NEWS SERVICE

NEW DELHI, Nov. 28. — While some politicians — with the “vote-bank” in mind — make a hue and cry against the closure of industrial units, supporters of the move are coming out with their views.

The president of Delhi Municipal Corporation Retired Engineers Association, Mr D R Sharma, warned that if the government was unable to protect 90 per cent of Delhi’s law-abiding population from noise, water and air pollution created by the industrial units, they will also be compelled to come out on the streets in protest.

“If the industrial units are not removed from residential areas, the government should be solely held responsible for all problems and diseases caused due to it,” he said.

“The politicians of our country are power-hungry,” chipped in the association general-secretary, Mr M R Wadhwa. “They (the politi-

cians) can do anything to enhance their vote bank but when it comes to taking responsibility for creating the present chaos, they simply pass the buck to the technocrats and bureaucrats.”

It is the politicians who have been regularising the encroachments on government land, creation of J J clusters, unauthorised colonies, setting up of trade and industries in residential areas in violation of the Master Plan from time to time, he said.

According to the president of Common Cause, Mr H D Shourie, “It is very unfortunate that in this country there is a tendency for unscrupulous elements, in collusion with corrupt authorities, taking advantage of a situation.”

“This is the reason why the industrial units in residential areas have come up in violation of laws and residents are being disturbed due to the constant fumes, noise and rush of people in their neighbourhood. But nobody bothers

to remove them because it is in the interest of politicians,” he added.

The Social activist and lawyer, Dr B L Wadehra, while terming the problem as “a vicious circle which has to be broken once and for all” said, “The basic problem is non-governance built on an edifice of corruption.”

“The present problem has arisen because no action was taken when these industries were coming up. In utter disregard to sanitation and people’s health, you allow unauthorised colonies, J J clusters and industries to mushroom, you then nurse them but suddenly show over-enthusiasm and start their removal, creating another kind of chaos.”

How can polluting industries be started and allowed to continue for years at the first instance?

“This is only possible when there is a lethal combination of corrupt administration and vote-bank politics rolled into one,” he said.