

AS INTRODUCED IN THE RAJYA SABHA
ON 31ST JULY, 2009

Bill No. XIII of 2009

THE WHITE ASBESTOS (BAN ON USE AND IMPORT) BILL, 2009

A

BILL

to provide for a total ban on use and import of white asbestos in the country and to promote the use of safer and cheaper alternative to white asbestos and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the White Asbestos (Ban on Use and Import) Act, 2009.

Short title
and
commencement.

(2) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate day” means the day fixed by the Central Government to ban the use and import of white asbestos which shall be within one month of the coming into force of this Act;

(b) “prescribed” means prescribed by rules made under this Act.

Declaration of ban on use and import of white asbestos in the public interest.

3. Whereas the object of the Act is such as to provide for a ban on use and import of white asbestos, which is a fibrous mineral and has been reported to be highly carcinogenic, it is hereby declared that the Act propose for the ban on the use and import of white asbestos is in the public interest.

Ban on use and imports of white asbestos.

4. (1) On and from the appointed day, there shall be a ban on the use and import of white asbestos;

(2) Whoever imports or uses white asbestos after the appointed day shall be guilty of violating the provisions of this Act.

Penalty.

5. Whoever found guilty of violating the provisions of this Act shall be punished with imprisonment, which may extend to three years or with fine, which may extend to rupees two lakh or with both.

Offences by Companies.

6. (1) Where a person committing a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder is a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to, the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment, if he proves that the contravention took place without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contined in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of, or is attributable to any neglect on the part of, any Director, Manager, Secretary or other Officer of the company such Director, Manager, Secretary or other Officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section:—

(i) “company” means anybody corporate and include a firm or other association of individuals; and

(ii) “director”, in relation to a firm, means a partner in the firm.

Central Government to Provide safer and cheaper alternative to white asbestos.

7. The Central Government shall promote and encourage the use of safer and cheaper alternative to white asbestos and provide sufficient fund for research and development in the field in such manner as may be prescribed.

Power to remove difficulties.

8. If any difficulty arise in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette make such provisions, not inconsistent with the provisions of this Act as appears to it to be necessary or expedient for removing the difficulty:

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

Act to have overriding effect.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force relating to use and import of white asbestos.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The white asbestos is highly carcinogenic even the World Health Organisation has reported that it causes cancer. It is a rare fibrous material that is used to make rooftops and break linings. More than fifty countries have already banned the use and import of white asbestos. Even the countries that export it to India prefer not to use it domestically. But in our country, it is imported without any restriction. Canada and Russia are the biggest exporters of white asbestos. In 2007, Canada exported almost Ninety five percent of the white asbestos it mined and out of it forty-three percent was shipped to India. It is quite surprising that our country is openly importing huge quantity of a product, which causes cancer. This is despite the fact that safer and almost cheap alternatives to asbestos are available in the country. Instead of importing a hazardous material, it will be better if we spend some money in research and development and use environment friendly product. In view of the above, there is an urgent need for a total ban on the import and use of white asbestos and promote the use of alternative material.

Hence this Bill.

VIJAY JAWAHARLAL DARDA

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall provide funds for research and development for alternative products to white asbestos. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of rupees twenty crore would be involved from the Consolidated Fund of India.

A non-recurring expenditure of rupees five crore will also be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of legislative powers is of normal character.

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(Shri Vijay Jawaharlal Darda, M.P.)