

(SHRIMATI D.K. THARADEVI SIDDHARTHA): Sir, I beg to lay on the Table:-

- (1) (i) A copy of the Annual Report (Hindi and English versions) of the Central Council for Research in Yoga and Naturopathy, New Delhi, for the year 1990-91 along with Audited Accounts.
 - (ii) A copy of the Review (Hindi and English versions) by the Government on the Working of the Central Council for Research in Yoga and Naturopathy, New Delhi, for the year 1990-91.
 - (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.
- [Place in library See No. LT-2296/92]
- (3) (i) A copy of the Annual Report (Hindi and English versions) of the National Academy of Medical Sciences (India) for the year 1990-91 along with Audited Accounts.
 - (ii) A copy of the Review (Hindi and English versions) by the Government on the working of the National Academy of Medical Sciences (India) for the year 1990-91.
 - (4) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (3) above.

[Placed in library see No. LT-2297/92]

Union Government Appropriation Accounts of (Postal) services for 1990-91 Union Government Appropriation Accounts (Telecommunication Series) for 1990-91 etc.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI DALBIR SINGH): Sir, I beg to lay on the Table:-

- (1) A copy of the Union Government appropriation Accounts of the (Postal Services) for the year 1990-91 (Hindi and English versions).

[Place in library See No. LT-2298/92]

- (2) A copy of the Union Government appropriation Accounts (Telecommunication Services) for the year 1990-91 (Hindi and English versions).

[Place in library See No. LT-2299/92]

- (3) A copy of the Union Government Appropriation Accounts of the Defence Services for the year 1990-91 (Hindi and English versions).

[Placed in library See No. LT-2300/92]

14.23 hrs.

**BHOPAL GAS LEAK DISASTER
(PROCESSING OF CLAIMS) AMENDMENT BILL - CONTD.**

[English]

MR. DEPUTY-SPEAKER: Now, the House will take up further discussion on the Bhopal Gas Leak Disaster (Processing of Claims) Amendment Bill.

Shri Shravan Kumar Patel to speak now.

SHRI SHRAVAN KUMAR PATEL
(Jabalpur): Respected Deputy-Speaker, Sir, it is an irrefutable fact that the Bhopal Gas tragedy is the worst industrial disaster in the history of mankind. Thousands of persons including men, women and children and also animals died in this disaster. Lakhs of people have suffered irreparable loss. The common parlance in Law is that justice delayed is justice denied. Eight long years have passed by since hell broke loose on that fateful night on the city of Bhopal essentially owing to an attitude of callousness and lack of concern for human beings. This tragedy took place basically owing to the negligence on the part of the Union Carbide in Bhopal. Perhaps, some of the Members in this august House are not aware of one fact that there was a small newspaper in Bhopal which had predicted that the city of Bhopal was sitting on a ticking time bomb that this disaster could take place any time. But the arms of the rich and the powerful are very long and ultimately this disaster could not be averted.

I have been by closely following the discussions that have been taking place in this House through various questions that hon. Members have asked as also through the Resolution on which we had discussions that went on for almost one week, I do not wish to go into the details of each and every aspect. But I would like to touch only the important points that have come out through the various discussions that we had.

At the onset, I would like to state that the entire House would agree that no amount of compensation can fully mitigate the health hazard and the loss of life suffered by the victims of the MIC gas leak. Having said this the question of assessment of damage of gas victims whose number now stands at over six lakhs, the amount of compensation for each category and the rehabilitation of the gas victims stands paramount in my view. The guidelines for various categories

as demanded by hon. Members in this House should be redefined and simplified and the hon. Minister has also assured us that the system would be simplified so that claims could be settled at the earliest possible. The Central Government has given wide powers to the Claims Commissioners. He is also to perform the quasi-judicial functions. I am very happy to say that just yesterday the hon. Minister Dr. Chinta Mohan declared that now over 1000 people would be working to see that these claims are expeditiously settled. I would like to add that those people who do not reside in Bhopal but who happened to be there on that fateful night, their interest should also be safeguarded and they should also be given some compensation because they have suffered the loss. After the payment of compensation which should include the amount of interest which has been added to the main amount, the hon. Minister informed us the other day, stands at over Rs. 14,00 crores. After doing that, the main issue of rehabilitation of gas victims should also be taken up very seriously by the State Government and the Central Government could also contribute in a substantial manner in this matter.

The gas affected people should be trained vocationally so that they are put in a position where they can earn their livelihood and the State Government should extend to them soft loans so that they could start some sort of a business for themselves.

As promised by the Union Carbide, a fully equipped 500 bedded hospital with all the latest equipments should be set up without further loss of time. This they had promised long time ago and they have not met this promise. The company should pay the enhanced cost of Rs. 106 crores as estimated in the project report for this hospital. I would also like to say that a comprehensive legislation to ensure that hazardous industry like this is not put in densely populated areas

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so that this kind of major disaster could never take place.

Lastly, Mr. Anderson and all those people who are responsible for this great calamity should be brought to book. I do not wish to take further time of this House. I thank you very much for giving me the time.

[Translation]

SHRIMATI SUMITRA MAHAJAN (Indore): Mr. Deputy Speaker, Sir, the Bhopal gas tragedy was a very painful incident and there are still many such aspects as should have been considered but have been ignored so far. One such aspect is whether this was an experiment conducted on the people of our country?

It is now eight years since this incident took place and the payment of the compensation amount to the affected, that should have been made immediately, is getting delayed due to some or the other reason. As per the existing guidelines, the kith and kin of the dead have been paid Rs. three lakh, while those affected have been given Rs. four lakh, although the loss was to the extent that about ten people were affected in each family and entire family was wiped out. Therefore, it is very much necessary to review the existing guidelines. The effects on the affected are not apparent today. They are such that their progeny will have to suffer for it. It will have a bearing on the future generations. Therefore, these factors should be kept in mind while drawing the guidelines for the payment of compensation amount.

Mr. Deputy Speaker, Sir, the Union Government should carefully consider the rehabilitation plan for the gas-affected forwarded by the Madhya Pradesh Government. It should seriously think over it. Even

those children, who are yet to be born, will suffer the consequences of this catastrophe; they too are going to be affected. Similarly, chances are that people who have not been apparently affected so far, will later on develop hearing, visual and other problems including paralysis. These diseases may not seem damaging at the moment, but in future, it can have serious repercussions on the health of the people, which could even make them handicapped. They can even develop diseases. Which can ruin their health. Even today there are many such people there. The State Government has put before the centre a plan to rehabilitate them but the Central Government is not paying any attention to it. They are not going to benefit from any relief, if guidelines are to be issued after eight years, as was done in this case. Therefore, it is my humble submission that unlike in this case, where guidelines have been issued and a decision to empower the commissioner has been taken after eight years, the implementation of the rehabilitation plan should not take much time. It is my request that the Centre should take an immediate decision after studying the plan.

I would also like to submit that out of the 56 municipal wards in Bhopal, people living in 36 wards only are to be provided with relief. Only four lakh people out of about the total 5.5 lakh people of Bhopal are to benefit from this relief. It is my submission that when the leak took place, the gas spread did not limit itself to any particular area, rather it spread to all the sides affecting not only Bhopal, but also its adjacent areas. Therefore, it is my humble submission that the relief programme should not be limited to 36 wards only. Even the Madhya Pradesh Government says that relief should be distributed in all the 56 wards of Bhopal, not just 36 wards. If an action plan is formulated from this angle, then we would be able to provide some real help. I welcome this Amendment, but the people won't get much benefit from

such minor Amendments. Therefore, Mr. Deputy Speaker, Sir, in this regard, I would like to submit only this much that we have come a long distance after this tragedy and we should not look upon this tragedy from the point of view of providing relief only to those affected and those who have been medically examined, rather we should also look at it, keeping in mind the fact that the future generations will also be affected by it. The entire city had come under the striking range of the gas. Chances are that those who were in Bhopal at the time at the tragedy and who seem to have escaped from its effect, could be affected after some years, in different ways. It could have an adverse effect on their physical and mental health. This is the opinion of the doctors as well.

In order to save the future generations, the Union Government should take an immediate decision on the action plan forwarded by the Madhya Pradesh Government and the State Government's plea that any rehabilitation plan formulated in this regard should encompass all the 56 wards of Bhopal city. An immediate decision should be taken keeping in view the interests of those who are alive today, but are prone to be affected in future.

I would like to make only this much.

[English]

SHRISRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy Speaker Sir, I rise to support this Bill which intends to amend the Bhopal Gas Leak Disaster (Processing of Claims) Act 1985. As you know we had the greatest industrial disaster in 1984 at Bhopal. Till today the number of persons killed and injured is not definite and usually known. At least so far as the number of injured persons is concerned, it goes on increasing. But the number of the dead is put at no less than 4037. I do not know whether there is further revision in this figure. But in records

what we find is that 4037 people have died in this tragedy. At that point of time it was stated that twenty thousand people were injured. But now as we know there are different claims about the number of persons injured. This matter was agitated in this House earlier several times. Last week also during the Question Hour the Prime Minister had to intervene to say that some people have been left out. Whatever it is, the Prime Minister assured the House that there is a Commissioner sitting at Bhopal and although guidelines are already issued by the Government of India, he has the discretion to put this figure at a higher level. If some genuinely injured people who should have been included in the list are left out, they can be included. That was the assurance given.

This is a very sorry state of affairs that this tragedy took place obviously due to the negligence of the factory owners, the plant managers, the proprietors and all those people. Meanwhile seven or eight years have elapsed. But till today the issue of compensation has not been finalised, the payment has not yet been made. Of course I do not hold the Government of India responsible for it. The system is such and we have to find the way out. We pray God that there shall be no repetition of this, not only in Bhopal, but elsewhere in the country. However we may wish, some such problem of this nature is arising which may not be of this magnitude.

Here, it is a peculiar case and as you know, a multi-national company is involved which has its base not in India, but outside — far away, in the USA. You also know, how difficult and complicated the legal proceedings are. The case was filed there in the United States and on the advice of the judge, it was shifted; herest it has been registered legally in India. Finally, the Supreme Court gave its verdict in October 1991 with an observation or a directive that necessary guidelines may be prepared and issued

[Sh. Sriballav Panigrahi]

regarding the fixation and payment of compensation to the gas leakage victims within four months. That has since been done and the process is now on.

Eight years' time is a very very long period; enough is enough; and now all out efforts should be made to see that all these claims are finalised by the tribunals set up for the purpose, expeditiously.

Another directive given by the Supreme Court in its verdict was about the setting up of 40 tribunals. Considering the magnitude of the problem, the Supreme Court in its wisdom directed that 40 tribunals may be set up for the purpose. If I am wrong, I may be contradicted for which I will be happy. I think, as of now, only eight tribunals are functioning; we have been able to make only eight tribunals functional as against 40 recommended or directed by the Supreme Court. Out of this eight, five are having original jurisdiction and three are appellate tribunals. Again, there was some delay in the location of their offices, arrangement of furnitures, necessary staff, etc. All these things could not be arranged well in time. There should be proper coordination between the State Government of Madhya Pradesh and the Central Government, so far as this matter is concerned. There should be proper coordination, there should be proper cooperation in arranging the offices and other things. The State Government will be pushing the figure high and say something. That will not do; it has to be in a very coordinated way. That is what I want to say.

I specifically request the hon. Minister that the implementation part, etc., to the bureaucracy only should not be left. I know that these tribunals and the welfare commissioner have been appointed as per the provision, under section (6) of this Act and

according to section (7) also, powers are being delegated. So, there is no problem. The list of officers or the authorities who are to be delegated powers by Government of India would now also include the welfare commissioner who is of the rank of a Judge. A Judge of the Madhya Pradesh High Court has been appointed as the welfare commissioner. It is good. There is nothing to oppose in this Bill.

I would urge upon the Minister to control the bureaucracy properly. Probably had the officers of the Ministry applied their mind properly at the time of formulation or drafting of the original Act of 1985; this amendment would not have been called for. What was in that Act itself? As I referred, section 6 does provide for the appointment of welfare commissioner. Again in section 7, there is a provision that Central Government may delegate its powers or some of its powers or all the powers to certain officers, etc. This could have been taken care of from the beginning. That list could have included the welfare commissioner or the drafting could have said: some such officers, whom the Government of India would consider proper in course of time or from time to time by notification, can be given powers. Why should it always come before the Parliament for such petty matters and also encroach upon the valuable time of this august House? Had the authorities applied their mind properly, the necessity for coming before the House could not have arisen and such an amendment could have been avoided.

I would not go further because it has already been emphasised. Everybody knows about the seriousness of the situation. Government of India put its claim in the US courts also for about US\$ 3 billion. Because it was going on indefinitely and, as you know, delay defeats the purpose, whatever was possible, Government of India tried to do. There was a negotiated settlement. The amount was fixed at US\$ 470 million. If it is not

distributed, if the claims are not heard and finalised quickly and go on for decades, with the devaluation and price rise, etc., what would the real value? It might go on till the turn of the century. Then, what will be the value? Naturally the hardship of the victims is multiplied therefore. Therefore, leaving all those things to these tribunals, judicial process which has started should be expedited. All these tribunals, etc.,—about 40 in number—should be made functional without any further delay. The Government of India should also constantly monitor. So far as this monitoring part is concerned, there is some negligence. You don't rest assure here in Delhi that everything in Bhopal is going on as per your wish and as per the verdict of the Supreme Court. The Secretary of the Ministry should that it is monitored. I do not say that they should interfere but monitoring should be done. Already there has been inordinate delay and that delay is not excusable. Of course, the legal process took time. But at least from now onwards, there should not be any delay and further delay would multiply the sufferings of the victims.

For the functioning of the tribunals procedure as in Civil Procedure Code are there and are playing will be followed. But we have to see that the CPC does not stand on the way of speedy disposal of the case. Some sort of summary proceedings should be there. This point should be examined. I cannot comment on it often. Let the Civil Procedure Code be there for the procedural part. But it should not stand on the way of speedy and expeditious disposal of the case. What is really needed, under the circumstances, is some sort of summary proceedings.

The money available for this purpose from the RBI is Rs. 1 400 crores. Even after seven to eight years of the tragedy, there is an unhealthy practice of raising the number of victims. This should not be encouraged. It is all right that medical examination and other things are there. But, at the same time,

this unhealthy competition should be checked.

Lastly, the Supreme Court has also directed that the UCC should set up a super-specialised 500 bed hospital. But no beginning has been made. Nothing positive is on record. No evidence is there. I do not think that these organisations and the UCC management are at all interested to set up such a hospital which is very very necessary to treat the victims of the tragedy. Mrs. Sumitra Mahajan was referring to repercussions as to what may happen in future. She was expressing her apprehensions. In such a case, it is not just limited to the present time. Considering all these things, it is good that there should be good medical facilities. But I do not find that the intention or the sincerity is there on the part of the UCC. We have to ensure that they set up such a hospital in the true spirit. It is just a formality for them that they say something but they do not make the necessary provisions. This attitude will not be useful.

The Government has gone in for advertising in Washington Times regarding the arrest of Mr. Warren Anderson. It has done something in this regard. It should be pursued vigorously. The person who is responsible for the suffering of a large number of people should not be allowed to go scotfree. He should be brought to book and should be properly dealt with so that that will also be an exemplary for others and such a tragedy will not be allowed to happen or repeat in this country.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Deputy Speaker, Sir, it is such a issue that hon. Minister would not like to stay away from discussions on it. Whatever happened in Bhopal is known to everyone. This is a question of Humanity. Politics is not involved in it. So if I make some request as

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with in the provisions of this Bill I do not think that Hon. Minister would say no to that.

Sir, I would like to submit that Central Government has only sanctioned an amount of Rs. 163 crores against a plan sent by Madhya Pradesh Government of Rs. 371 crores. There is an enormous difference between Rs. 371 crores and Rs. 163 crores. Imagine how the Central Government assists the State Government? Therefore, Central Government should clear the plan of Rs. 371 crores sent by Madhya Pradesh Government as it is. A period of eight years has elapsed but the problem of rehabilitation has not been solved. My second submission is that all the 56 wards should be covered instead of only 36.

Thirdly, the people are distressed because of it and it is sure to create discontentment among them. If the people do not get any financial assistance or any other help even after such a tragedy they are sure to be disappointed. People were all the more dissatisfied because there was proposal to provide training and allot industrial sheds to them. There was also a proposal to bring about improvement in the environment and provide vocational training to women and opportunities of self employment to the youth. But nothing could be done as allocation was quite insufficient. Therefore, I think you will take steps to remove these causes of discontentment.

Besides, the State Government had requested the Central Government to declare it as Special Industrial Area. Had the Government declared it so, industries in large number would have been set up there and the people would have got industrial facilities they would surely have managed to get finance through one or the other source. The Government should kindly take into consideration the fourth demand made by

me. Cattle died there in large number. As per the guidelines a meagre amount of Rs. 10,000/- was fixed to be given for each cattle. Can this amount be considered sufficient to purchase any of the cattle of good breed? Therefore, the Government may kindly review its guidelines. I will not take much of your time and draw your attention to a serious point. You propose to give compensation of Rs. 4 lakh to a person who had suffered a serious injury and Rs. 3 lakh to a person who had suffered an injury. While Rs. 1 lakh to Rs. 3 lakh to the family of a deceased person. You propose to give Rs. 1 lakh to Rs. 3 lakh to the family of a deceased person, please keep it at least Rs. 4 lakh. Is the price of human life is only Rs. 1 lakh or 3 lakh. I would like to submit that the five points that I have brought before you need to be considered by you rising above the party lines. I do not think any party will oppose these points. It is a question of humanity. Eight years have passed but people have not received any compensation. That is why there is a great discontentment among them. I will not take much time but I would request the Hon. Minister to consider these five points raised by me sympathetically and provide compensation to the victims of Bhopal gas tragedy. I thank you for giving me time to speak.

15.00 hrs.

[English]

SHRI SHARAD DIGHE (Bombay North Central): Mr. Deputy Speaker, Sir, I rise to support the Bhopal Gas Leak Disaster (Processing of Claims) Amendment Bill, 1992.

As such it is a very simple Bill and does not require much debate in this House. It has only two provisions. The first provision is very simple and it gives powers to the Welfare Commissioner and other officers, Under Section 195 and Chapter 26 of the Code of

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Civil Procedure. This will enable them to commit any person for contempt of court; to summon persons for giving evidence; to make them take oath and give evidence; to punish those persons who give false evidence and produce false or Fabricated Documents before them. Some such powers are really necessary because originally these are quasi-judicial bodies and they do not possess these powers unless they are specifically given to them. While deciding these claims such powers were necessary to the Welfare Commissioner, the Additional Commissioner and the other subordinate officers who will be trying these cases. The Government has done well in making their hands strong by investing these powers of a civil court which will enable them to function effectively and also expeditiously.

Another provision is also a simple one; that is an amendment to Section 7 by which the Welfare Commissioner will be included in the list of those to whom powers can be delegated by the Central Government. As it is, the Central Government can delegate powers to the officer of the Central Government not below the rank of Joint Secretary. As far as Madhya Pradesh is concerned; an officer not below the Secretary to that Government. When this Welfare Commissioner was invested with all these powers it was but natural that he should also be treated along with these officers so that delegation of powers can be made and expeditious hearing of these proceedings can be effectively done.

Taking this opportunity, every Member naturally has expressed his views about the relief procedure that is going on for the purpose of these Bhopal Gas victims. This disaster took place on 2nd and 3rd December, 1984 due to the release of highly noxious and abnormally dangerous gas from the plant in Bhopal belonging to the Union Car-

bide India Limited and its subsidiary. Now, nearly seven-and-a-half years have passed. The leakage was of over 40 tonnes of lethal Methyl Iso-Cyanate from the pesticide industry.

We all know, thereafter claims for damages were made firstly by the victims to the extent of 10 billion dollars and ultimately the Government of India took powers on their behalf and claimed 3.3 billion dollars as far as the damages were concerned. We also now know that ultimately this matter was settled in the Supreme Court by a judgement on 15th February, 1989 for a sum of 470 million dollars. Originally the immunity was also given to the Chairman of the company from the criminal cases, which immunity was ultimately withdrawn the Supreme Court judgement on 3rd October, 1991. Since then, the amount having been deposited, the task is before the Madhya Pradesh Government and the Central Government to distribute this amount among the victims.

Therefore, all these questions have now arisen as to how should it be done expeditiously and how should the compensation reach various victims.

Now and then, I am listening to the debate whereby some of us are insisting even insistence was made before the Supreme Court also — that instead of only 4.83 lakh victims from 36 wards, even further victims of all the 56 wards should be included and the other day, the Supreme Court also gave a directive that one lakh victims should also be considered for the purpose of all these things.

Now, one difficulty we find is that on a humanitarian ground to include more and more victims to share this is naturally good but the cake is the same. The amount is the same. If it is distributed among more people, then, less share will go to the victims who really deserve these things.

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It is provided that apart from this amount, further amount may be also given by the Central Government but considering the present financial position. I do not think, the Central Government will be able to contribute further and this compensation will have to be ultimately restricted to \$ 47 million which were received from the Union Carbide itself. Therefore, from this point of view, insistence of including more and more victims of receiving this compensation will lessen the amount which will come to their share. That point will have to be considered. Because the same cake has to be distributed among the so called victims. In this case 4.83 lakh people appear to have been involved. For this purpose, we see a lot of officers have already been appointed. In the answer given to a question here, the Government has stated that three Additional Commissioners, one Welfare Commissioner, five Deputy Commissioners and several other officers have been appointed. Further it was also stated that nearly Rs. 1 crore had been sanctioned for the purpose of furniture etc., and the Government had sanctioned 609 posts in various categories in addition to 380 posts that were already created. Such a large staff had been created. But my fear is, if five lakh people are ultimately to be examined and if their claims are to be considered and assessed, if we take on an average one hour for one victim, then it will take nearly five lakh hours for five lakh victims. However greater number you may use for the purpose of appointment of these Commissioners, it may take not less than five years.

So, some machinery will have to be found out by which, this time can be curtailed. Ordinary course which I assessed will take another five years to distribute the payments for damages among the victims. If more number are to be included, it will take still more time. No doubt, guidelines are given which were stated in the House the other day

viz. on 15th July, 1992 in reply to Starred Question No. 105. These guidelines, no doubt, will help curtail the inquiries as far as the victims are concerned. But my further suggestion is that some further common formulae may be found out so that hearing and investigation of each and every claim can be avoided.

And the claims are settled as expeditiously as possible so that the amount will reach the victims as early as possible. Now, from this point of view, some thinking should be made. The present thinking is how to include more and more people, how to create more and more machinery for distribution of money. But my submission is that the approach should be to find out or formulate a common formula so that very expeditiously this money can be distributed.

No doubt, care will have to be taken to eliminate bogus claims because in this big task where nearly six lakh people are to receive the damage, so many brokers and so many people, vested interests would come in and bogus claims are possible, as far as distribution of money is concerned. So, to avoid bogus claims but to distribute the money as early as possible is really a necessity of the day; and from that point of view, further thinking may have to be done both by the Madhya Pradesh Government and the Central Government. I am not one of those who like to blame the Madhya Pradesh Government or the Central Government for doing all these things; both have to be done; this is a very gigantic task which is before this country.

Now, side-by-side, I would also like to make two points, namely, what has happened to the extradition proceedings which were to be taken against the Chairman, Mr. Warren Anderson of this Company; because that immunity against the criminal proceedings having been withdrawn by the Supreme Court at the time of settling this matter.

further action is necessary and mere payment of money will not satisfy the wrong done to the poor people and to this nation. But the Chairman of this Organisation may have to be, somehow or other, prosecuted for the purpose of this.

I read from the newspaper that Indian officers have already been arrested, but, as far as these officers residing in USA are concerned, they are not arrested at all; and I do not know what the Foreign Department is going to do, as far as the prosecution of this Chairman Mr. Warren Anderson is concerned.

Then a condition was also put that they should construct a 500-bed hospital spending a particular amount. Now, what has happened to that hospital, we do not know. On the contrary, I read a report that when the civil court confiscated the shares amount payable by this Indian subsidiary of Union Carbide to the main Union Carbide, they have said that in view of this removal of immunity against the criminal proceedings and in view of confiscation of our funds in India, we now refuse to comply with that undertaking of establishing a 500-bed hospital. Now that matter also will have to be pursued because that was an important condition in the settlement of this scheme. payment of money, removal of immunity from the criminal cases and creation of a 500-bed hospital. These are the main conditions of settlement and will have to be implemented by the package; and from this point of view, I will urge upon the Union Government to take appropriate steps to see that criminal proceedings are taken against the officers of the Union Carbide who are in USA; and also their undertaking to establish a hospital is respected or followed by them; and then the whole package has to be completed.

With these words, I commend this Bill and I say that any step which the Govern-

ment desires to take to expedite the payment of compensation will always be welcome by this House

[Translation]

SHRI DILEEP SINGH BHURIA (Jhabua): Mr. Deputy Speaker Sir, I would like to conclude my views within two minutes on the bill on Bhopal gas tragedy brought before the House by the Hon. Minister. It was such a great tragedy that not only the people of the country but of the whole world were shocked to learn it. Thousands of people were rendered homeless while thousands of others lost their lives. Now after a passage of ten years we are introducing a Bill to help the affected people, when we do not know the whereabouts of many affected Jhopari dwellers. There is none to help them. Government did take the initiative to help those affected people but still we do not know the exact number of such people. The data collected by our Government suggest that five lakh people from thirty six wards were affected while the figures of State Government are different. But I think we should launch a time bound programme to identify the affected people and then try to help them. Assistance should also be provided under a time bound programme.

The hon. Minister has stated that an amount of Rs. 310 crores has been allocated for providing interim relief. I would like to know from the Government whether that money has been distributed or not, whether it has implemented its decision of giving rupees two hundred to the each family. I would like to know if State Government is earning interest on that money by keeping it in fixed deposit? The assistance should be provided to the deserving people. Government should constitute a team of doctors and other people and try to identify the affected people in the entire Bhopal. These people should be provided assistance at the earliest. There are many people whose eyes.

[Sh. Dileep Singh Bhuria]

ears, hands or other parts of the body have been affected in the tragedy. Some women who were pregnant at that time were also affected by this tragedy. Government should provide the required medication to them. Government should also make provision for the subsistence of such people for life long. The Government should probe the case as to how the owner of this multinational company managed to escape from this country. For providing relief to people you have delegated the powers to the commissioner. But it is the duty of State Government and Central Government to ensure that the person appointed to look after this work is sincere. There should also be a Central Advisory Committee to supervise the relief work and to provide assistance to the affected people. The employees and its owner both have run away from the country. Now how they can be awarded any punishment? Otherwise, there will be every possibility of recurrence of such incident. Government should enact a stringent law ensure that such incidents do not recur in future.

In the end I would again emphasise that such law should be enacted and implement as soon as possible.

I express my gratitude for granting me time to speak.

SHRI CHANDULAL CHANDRAKAR
(Durg): Mr. Deputy Speaker Sir, the hon. Minister by bringing this Bill, has at least created the hope that victims of Bhopal gas tragedy would soon get the compensation, though they would not get the amount they deserved. There is no instance of such an accident in any of the industrial area of the world in which people in thousands would have died. The State Government has been fighting to get the compensation for the victims for the last eight years. It is perhaps because of this long period. Government

would have considered it better to accept whatever was being given, though the amount is inadequate, yet the Government has accepted it.

Mr. Deputy Speaker Sir, now the question is to distribute the money wisely among the gas victims. The victims have a complaint that those who were really affected, injured or were disabled were not getting the relief. Whereas others were getting. In this regard, I would like to request the Central Government and the government of Madhya Pradesh to provide adequate compensation to the genuine sufferers or to their relatives. On the basis of wards as has been chalked out. The compensation should also be provided to those fled their homes in fear and died later on. The Central Government and the State Government should set up a committee which may distribute the money properly.

Mr. Deputy Speaker Sir, at the same time provision should be made for the subsistence of those who have become handicapped permanently. Thirdly, it is the responsibility of the Central Government not only to provide excellent management, but to award severe punishment to the people held responsible for any untoward incident involving any damage, loss of life, preventing recurrence of dangerous incidents and provision of maximum funds to the victims in all the hazardous factories.

Mr. Deputy Speaker, Sir, it is obligatory on the part of the Central Government and State Governments to see that there is proper distribution of money so that the right person can get the compensation through the present system. In that case only, this bill will prove to be useful. Besides, I would urge that all such factories located in the city at present should be set up 20-25-30 miles away from the city so that residents of the surrounding areas are saved from death by deception.

With these words I conclude my speech and thank you for providing me an opportunity to speak.

[English]

DR. (SHRIMATI) K.S. SOUNDARAM (Tiruchengode): Mr. Deputy Speaker, Sir, at the outset I would like to welcome the Bill and the intention of the Government for bringing forward this Bill.

Sir, while supporting this Bill I would like to say a few words. The House is aware of the unprecedented disaster which resulted from the leakage of gas at Bhopal on the second third days of December 1984.

The House is also aware of the firm intention of the Government to ensure that the claim arising out of or connected with the disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants.

Nearly 2,500 people had died. This figure is not correct. It cannot be correct. Not only thousands but also lakhs of people are suffering because of this disaster.

The Government of Madhya Pradesh has promulgated an ordinance to the effect that the persons who have fled from Bhopal after this tragedy and who have sold their movable properties while fleeing would be entitled to the proper price of the property if the property had been sold at a lower price. Wherever they had gone they might be suffering there without any help. It is a question as to who is to be held responsible for this.

The damage that has been caused, as I said earlier, is very enormous, to the extent that it has affected in a big way of the lungs, the heart, the kidneys and even other parts of the body of many people. So, I would like to draw the attention of the Government while the Government bring out a Bill to

prosecute the company concerned for damages and compensation, it is not that easy. Then apart from the persons who are already suffering, even the children who have not been born at that time might be suffering now. It is the opinion of the experts that the pregnant women are most likely to be affected. Not only the mother but the unborn child in the womb of the woman is also likely to be affected.

The Bhopal gas tragedy will have its impact on the children still unborn. The first child which was born after the tragedy had no eyes or organs to identify the sex. This is a very serious matter

Sir, instead of dilating the subject at length, I earnestly wish that Minister may profoundly succeed in discharging the responsibility which he has taken over his shoulders. After all he is doing a great service to the people who are very innocent, poor, helpless and illiterate and no body else to support them. May he succeed fully and profoundly in it.

The last thing I want to say is regarding compensation. Lakhs of people had been affected by this tragedy and in future also the effects of the gas would be felt on vegetation and human health. What arrangements are being made to pay compensation for this? In what way would you ask the Company to pay compensation to the people so that they could get some relief? I would request the hon. Minister to pay special attention to this aspect

With these few words, I support the Bill.

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (DR. CHINTA MOHAN): Mr. Deputy Speaker, Sir, I am thankful to the hon. Members who have given their views, particularly Shri S.C. Verma from Bhopal, who

[Dr. Chinta Mhan]

has said that there is some delay in giving the compensation.

I have gone through the records and checked up. After the Supreme Court's directive in October 1991 — the Supreme Court has given time of four months to start the adjudication process — the Government has given guidelines to the Welfare Commissioner to start the adjudication process. This was started in time. Yesterday we called the Welfare Commissioner here and we discussed with him. We have come to know his problems also. The Court has given a direction to set up special courts. We are in touch with the High Court of Madhya Pradesh. We asked them to give judges. So far, we are able to start 16 or 17 courts, as Shri Vermaji has said. We are waiting for the High Court orders to give more judges to start more courts in Bhopal.

With regard to the appointment of people, there is a small problem. The Department of Personnel has stipulated some guidelines that such and such person with such and such educational qualifications, with such and such experience, should be appointed for some specified posts. These posts are temporary. Scores of younger generation are not able to apply and people of more than 48 years of age are applying for these posts. Yesterday, we have reviewed the situation and the Government has taken a decision that we will give specific guidelines to see that immediately people will be employed and some more stipulated guidelines also can be overlooked. And to speed up the compensation, the Government is taking up this process very soon.

With regard to the disbursement of the compensation, we have given specific guidelines saying that immediately after passing the Bill, the powers will go to the Welfare Commissioner. The Welfare Commissioner

will be empowered to take its own decisions. Hon. Member, Shri Sushil Chandra Verma knows the people of his Constituency. He can get in touch with the Welfare Commissioner and he can discuss with him. We are sympathetic to the problems of the victims and immediately relief will be disbursed. We are going to monitor the situation every fortnightly and we are going to keep one officer from the Government of India to give us reports as early as possible

Coming to the Hospital, the Supreme Court had already given its direction to start a 500 bedded hospital in Bhopal. We are in touch with the Hospital Consultancy Corporation. They are preparing the project report and already they have acquired some site for the hospital and we are speeding up the process.

Shrimati Sumitra Mahajan, Shri Sribalraj Panigrahi, Shri Sushil Chandra Verma and Shri Sharad Dighe all mentioned about the criminal cases and the arrest of Mr. Anderson. Mr. Anderson is in USA. We are in touch with the diplomatic channels and we have advertised in so many newspapers particularly in Washington Times. We are doing all our efforts to see that the man is arrested. The CBI is also seriously considering the arrest of Mr. Anderson.

Coming to the compensation amount, some people have said that more amount may be given. It is lying in the Reserve Bank. So far, we have not touched even a single pie because of this prolonged legal battle. As you all know, to start even a small court building, it takes time. The Government is working its best to see that the compensation should reach to the victims. We have given indicative guidelines to the Welfare Commissioner. After passing the Bill, the Welfare Commission can take his own decision.

The other day, the Prime Minister was

kind enough to say that if the Welfare Commissioner or the person who is dealing with the victims, honestly feels that the amount of Rs. 4 lakhs may be enhanced to Rs. 5 lakhs and if he still feels that the amount of Rs. 5 lakhs can be enhanced further to Rs. 5-1/2 lakhs, that is within his jurisdiction because he is empowered to take any decision in the future.

Some hon. Members particularly Shri Dileep Singh Bhuria and Shri Chandulal Chandrakar have mentioned about the future. Definitely, we will see that such disaster will not happen. We have already given guidelines to all the chemical industries to see that such disaster should not happen in the future.

With all these points in my mind, I beg the House to pass this Bill to give more powers to the Welfare Commissioner, who will be empowered to speed up the compensation and to take decision on his own.

MR. DEPUTY SPEAKER: Shri Dau Dayal Joshi is not here. I put his amendment No. 3 to the Motion for Consideration, to the vote of the House.

The Amendment No. 3 was put and negatived.

MR. DEPUTY SPEAKER: Shri Rasa Singh Rawat. Are you withdrawing your amendment?

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Deputy Speaker, Sir, I want some clarification only. Following that, with due regard to the sentiments of the House I would withdraw my amendment.

My first clarification is that Indian Medical Research Institute has drawn some conclusions from the experiments carried

out on the victims of the gas tragedy. May I know why this report has not been published so far? If this report is published, we will come to know its effect on the coming generations children, women, men and new born babies and thus we can take precautions to save the coming generations from its toxic effect. So what are the reasons of delay in the publication of this report?

Second point is why Mr. Anderson, the Chairman of this company who is being prosecuted in a case of criminal conspiracy is not being called from America and why an action is not being taken against him under Indian law? Why the Government of India is showing a slackness in this case? If the hon. Minister is pleased to clarify both these points, I will withdraw my amendments.

[English]

DR. CHINTA MOHAN: Sir, the other day he asked about the Report of the Indian Council of Medical Research. The Report of the Indian Council of Medical Research is an open document. I promised him on Friday that I will send the Report to him. I have already sent the Report to him. Probably he may get the Report by today evening or tomorrow.

As regards the criminal cases, I have already stated that we are trying to locate Mr. Anderson. The CBI is looking into this case. We will try our best to see that he is arrested.

With this, I request him to withdraw his amendment.

PROF. RASA SINGH RAWAT: I seek leave of the House to withdraw my amendment No. 4 to the Motion for Consideration.

MR. DEPUTY SPEAKER: Has the Hon. Member leave of the House to withdraw his amendment.

SEVERAL HON. MEMBERS: Yes.

"That the Bill be passed."

*The Amendment No. 4 was, by leave,
withdrawn.*

The motion was adopted

MR. DEPUTY SPEAKER: The question is:

"That the Bill to amend the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER: We shall now take up clause—by—clause consideration of the Bill.

MR. DEPUTY SPEAKER: There are no amendments to clauses 2 and 3. The Question is:

"That clauses 2 and 3 stand part of the Bill."

The motion was adopted.

*Clauses 2 and 3 were added to the
Bill.*

MR. DEPUTY SPEAKER: The question is:

"That clause 1, the Enacting Formula and the long life stand part of the Bill".

The motion was adopted

MR. DEPUTY SPEAKER: The Minister may now move that the Bill be passed.

DR. CHINTA MOHAN: Sir, I beg to move:

"That the Bill be passed."

MR. DEPUTY SPEAKER: The Question is:

15.41 hrs.

INDIAN PORTS (AMENDMENT) BILL

As Passed by Rajya Sabha

[English]

MR. DEPUTY SPEAKER: We shall now take up the next item. - Shri Jagdish Tytler to move that the Bill further to amend the Indian Ports Act, 1908, as passed by Rajya Sabha, be taken into consideration.

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Sir, with your permission, I would like to say a few words while moving the Motion that the Indian Ports (Amendment) Bill, 1991, as passed by the Rajya Sabha, be taken into consideration and passed.

The Indian Ports Act, 1908 (15 of 1908) provides for declaration of major ports, appointment of Conservators, rules for the safety of shipping and conservation of ports, levy of port dues, fees and other charges, etc. This Act is applicable to both minor ports and major ports in the country:

The Government had set up a Directing Group which identified need for simplifying and rationalising the procedures in order to improve the level of services provided by the Ports to its users. It is in this context that certain amendments have been suggested for the Indian Ports Act.

The present practice of recovering