

Union Carbide Shares

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*266. **SRIMATI MALINI BHATTACHARYA:**
DR. SUDHIR RAY:

Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state:

(a) whether the Supreme Court has recently lifted ban on the sale of Union Carbide's shares in India;

(b) whether the Union Government have been a party to this decision;

(c) whether the opinion of Gas Victim Organisations on this has been elicited;

(d) if so, the details thereof; and

(e) if not, the reasons therefor?

THE MINISTER OF CHEMICALS AND FERTILIZERS (SHRI RAM LAKHAN SINGH YADAV): (a) to (e). A *Statement is laid on the Table of the House.*

STATEMENT

The Supreme Court, in its order dated 3.10.91, while deciding the review petitions on the settlement amount, had expressed hope and trust that M/s. Union Carbide Corporation would fund Rs. 50 crores for a 500 bedded hospital meant for the gas affected at Bhopal and gave 18 months for the construction of the hospital. M/s. UCC agreed to pay Rs. 50 crores and pledged its shares in Union Carbide India Limited (UCIL) to a Trust in London on 20.3.92 and the amount was to be provided by the sale of shares. These shares were attached by the CJM,

Bhopal on 30.4.92 in a criminal case against M/s. UCC to secure the presence of the corporate entities. As M/s. UCC did not make available the requisite funds within the stipulated period for the construction of the hospital the Government of India approached the Supreme Court to "direct M/s. UCC to provide full and complete funds required for the capital cost and operational cost of the 500 bed hospital". When the matter came up for hearing on 10.12.93, the sole trustee, also appeared before the court and suggested that the attachment be lifted for selling the shares in order to provide funds for the hospital and the remaining funds could be held under attachment. This was supported by a victims organisation as well and the Court found it "eminently reasonable"

After hearing the parties, the Court on 14th February, 1994 ordered a procedure for sale of the securities and apportionment of the proceeds of the sale and directed that a fund of Rs. 65 crores be earmarked for the hospital trust to be applied for the said purpose. After making the mandatory payments, the balance of the proceeds would be held in an account in State Bank of India, which shall remain frozen and shall remain under attachment by the Court of CJM, Bhopal. The above arrangements will be under the supervision of the Supreme Court.

SHRIMATI MALINI BHATTACHARYA: Mr. Speaker, Sir, from the answer which has been given it is clear that the Supreme Court, in its order of October, 1991, had already ordered the Union Carbide Corporation to build a 500 bedded hospital. At that time, the UCC did not make any such effort. This was at a time when its properties had not been attached. Now the ban on selling the

shares is being lifted. Since the UCC did not make any effort to build the hospital earlier on when it had the chance to do it, I would like to know from the hon. Minister as to what is the guarantee that it will build it now within the time span suggested by the Supreme Court, after having realised the cost of its shares. How is the Government guaranteeing that?

[*Translation*]

SHRI RAM LAKHAN SINGH YADAV: Mr. Speaker, Sir, the Supreme Court has only expressed its wish that a hospital which has been offered by the company, should be constructed in the interest of humanity. This is not the decision of the Supreme Court. We are also of the opinion that a hospital should be constructed. But sometimes hindrances do come in the way and delay occurs in the completion of the project. At first, the company transferred its shares to someone in London, due to which some delay occurred. After its clearance, the second problem arose that earlier its estimated cost was Rs. 50 crores which now has escalated to Rs. 100 crores. Committees have been set up to look into all these matters and I am sure that the proposed hospital offered by the company will be constructed at the earliest possible.

[*English*]

SHRIMATI MALINI BHATTACHARYA: In the Minister's answer, it is not at all clear. What they are going to do to ensure that the hospital is built within the three year's time span which has been given by the Supreme Court. I would like to know from the Minister whether they are aware that although crores of

rupees have been spent ostensibly for the victims, but a large part of that money has been diverted to various other purposes like beautification of Bhopal. The way in which money has been squandered keep rise to apprehension in our mind. Even now the cost has escalated to Rs. 100 crores. If it is not completed within three years and say it will continue for six years, the cost will rise to a greater extent. Then, for whatever reason, this remains an illusion only.

I would like to know very pointedly what the Ministry is doing to ensure that within this time span, this entire money is utilised for the purpose of building the hospital.

[*Translation*]

SHRI RAM LAKHAN SINGH YADAV: Mr. Speaker, Sir, the hon. Member has raised several issues at one time. (*Interruptions*) According to the need of time, the company has expressed its desire and Supreme Court has taken it for granted that a hospital will be constructed in near future. For the purpose of compensation, it is stated that fifteen thousand people were killed. One judge has been appointed to look into the matter. (*Interruptions*) Out of these fifteen thousand, ten thousand cases have been disposed off. Of these ten thousand, decision has been taken for five thousand persons to pay two-third out of one lakh rupees sanctioned per person. Remaining five thousand cases are pending and the judge is looking into those cases also. (*Interruptions*)

[*English*]

SHRIMATI MALINI BHATTACHARYA: That is not correct, Sir. He is

misleading the House. Two-third thing has not taken place.

Let the Minister be better informed on this very important subject.

[Translation]

SHRI RAM LAKHAN SINGH YADAV: The people of 36 wards have been getting Rs. 200/- per month up till now. When the case was filed in the Supreme Court, it had said that for how much time this assistance will be given? It has restricted it only to the poor and now the amount will not be given to those whose income is good. I have told all the three points. This work will be completed at the earliest. It was a big incident and the Government is monitoring over the action being taken.

[English]

DR. SUDHIR RAY: When will the process of getting compensation be completed? What about the extradition of Mr. Anderson, ex-D.G. of U.C.C.?

THE MINISTER OF STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT (SHRI EDUARDO FALEIRO): According to the estimate of the Welfare Commissioner, the process has to be completed within a period of three years. Well, it may be a bit of optimistic estimate. The fact is that the Commissioner and the Additional Commissioner who are working with him have been doing all that is humanly possible, within the existing

procedure to expedite the matter. They have done all that is humanly possible to expedite.

However, the point remains that this is a case of unprecedented dimension. Six lakhs of people have already made the claim. Therefore, we have appointed a committee under the chairmanship of the retired Supreme Court Judge, Mr. Katliwal to see whether the procedure itself can be simplified so that these very unfortunate people get the compensation at the very earliest.

That is the point as far as expediting the procedure is concerned. We agree that all steps and efforts must be made to expedite this and we are doing that.

On the question of expedition of the case of Mr. Anderson, the matter is being handled in the court of the Chief Judicial Magistrate in Bhopal. The matter is in possession of the court and the case is being conducted by the CBI, and, therefore, by the Home Ministry. We understand that the extradition proceedings are in motion.

[Translation]

SHRI DILEEP SINGH BHURIA: Sir, the hon. Minister has told that fifteen thousand people, were identified and ten thousand cases have been disposed off. I would like to tell that a large number of them were labourers and their applications are still pending. Whether you are going to launch a time bound programme to identify all the victims of this tragedy, so that total number of affected persons could be identified and decision to this effect could be taken as to how this help can be provided to them.

SHRI RAM LAKHAN SINGH YADAV: We have undertaken the work in accordance to our resources. The number of representations received is sufficient. Out of total 15 thousand, ten thousand cases have already been decided. Only five thousand application have been found correct. I have no intention to invite further applications. We will now pay special attention to the applications already received. (*Interruptions*)

[*English*]

MR. SPEAKER: Let us expedite the matter. That is all.

WRITTEN ANSWERS TO QUESTIONS

[*English*]

20-Point Programme

*265. SHRI PARASRAM BHARDWAJ: Will the Minister of PLANNING AND PROGRAMME IMPLEMENTATION be pleased to state:

(a) the methodology adopted for physical checking of implementation of various schemes under the 20-Point Programme;

(b) the achievements made under the Programme as per the latest review, State-wise; and

(c) the funds allotted under the Programme during each of the last three years, State-wise?

THE MINISTER OF STATE OF THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI GIRIDHAR GOMANGO): (a) Implementation of various schemes under the 20-Point Programme is done by different agencies of State Governments and Union Territory Administrations. They have developed their methodology for physical verification of implementation of such schemes as well as other Plan Schemes.

(b) A *Statement* of State/UT-wise achievements during April '93 — January '93 of items identified for monthly monitoring under the 20-Point Programme is enclosed.

(c) The 20-Point Programme is a package of programmes which consists of various schemes of the Central/State Governments and Union Territory Administrations. No separate allocation of funds is made for 20-Point Programme.