

**GOVERNMENT OF INDIA
CHEMICALS AND FERTILIZERS
LOK SABHA**

UNSTARRED QUESTION NO:745
ANSWERED ON:04.08.2011
COMPENSATION TO VICTIMS OF BHOPAL GAS TRAGEDY
Lal Shri Kirodi

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

- (a) the number of claimants of Bhopal gas tragedy who have been paid partial/full compensation as on date and the number of claimants still have to get the compensation;
- (b) the reasons for inordinate delay in payment of compensation to such claimants;
- (c) whether the Group of Ministers constituted to investigate all the issues relating to Bhopal gas tragedy have submitted its recommendations to the Government;
- (d) if so, the details thereof; and
- (e) the action taken by the Government thereon?

Answer

MINISTER OF THE STATE (INDEPENDENT CHARGE) IN THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION AND MINISTER OF THE STATE IN THE MINISTRY OF CHEMICALS AND FERTILIZERS (SHRI SRIKANT KUMAR JENA)

(a) Out of 10,29,517 registered cases, compensation has been awarded in 5,74,376 cases, after adjudication. A total sum of 1549.15 crore has been disbursed in 5,73,914 cases upto 30.6.2011. A further sum of 1510.21 crore has been paid as pro-rata compensation to 5,62,727 of these cases upto 30.6.2011 as per the order of the Supreme Court. In remaining 11,649 cases, pro-rata amount is yet to be disbursed.

(b) The remaining claimants have not approached the Welfare Commissioner's office for receiving the claim amount. The work of payment of compensation is in progress. A list of remaining claimants was notified in newspapers advising the claimants to approach the Welfare Commissioner to receive compensation. Besides this, this list was also supplied to the NGOs as per the directions of the Hon'ble Supreme Court. An application filed in the Supreme Court by the Welfare Commissioner for treating the absentee cases as closed is pending decision.

(c) to (e): The recommendations of the Group of Ministers (GoM) reconstituted on 26th May, 2010 to examine all the issues relating to Bhopal Gas Leak Disaster including remediation measures and to make appropriate recommendations regarding relief and rehabilitation of Bhopal Gas Victims and their families, are enclosed at Annexure. The Cabinet has approved all the recommendations of the GoM with the modification that 'enhanced compensation' recommended by the GoM will be paid as 'ex-gratia'.

Annexure

A Gist of the Recommendations of the Group of Ministers(GoM)constituted to examine all the matters related to Bhopal Gas Leak Disaster

Compensation to the following categories of claims of victims and their families may be enhanced as under:

Category	Compensation
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Death (5295)	Rs.10 lakh (less amount already received)
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Permanent disability (3199+ 1703 = 4902)	Rs.5 lakh (less amount already received)
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Cancer cases (about 2000) Rs. 2 lakh (less amount already received)

Total Renal Failure Cases(about 1000) Rs.. 2 lakh (less amount already received)

Temporary disability (33,672 + 1783 = 35455) Rs. 1 lakh (less amount already received)

Injury of utmost severity (42) Rs. 5 lakh (less amount already received)

In order to facilitate the payment of this additional compensation an amount of 650-700 crore may be provided by Government of India. Another amount of ? 71.28 crore has been recommended by GoM for payment of ex-gratia to additional cases of identified categories of victims.

(ii) CBI may be directed to put together additional material in support of the request for extradition and MEA be directed to press the request for extradition with the US Government.

(iii) A curative petition may be filed in the Supreme Court for reconsideration of the judgement dated 13.9.1996 by which the charges under the graver sections of the IPC were quashed and the trial was confined to the offence under Section 304 A;

(iv) A Revision Application may be filed in the High Court under Section 397 of the Cr.P.C. against the judgement of the trial court praying that the judgement be set aside and the trial court be directed to refer the case under Section 323 of Cr. P.C. to the Sessions Court to try the case for offences under Sections 304 Part II, 324, 326 and 429 read with Section 35 IPC.

(v) An appeal may be filed in the Sessions Court against the judgement of the trial court to correct the errors in the sentences imposed on the accused under different sections.

(vi) The Attorney General may be requested to examine whether a curative petition could be filed in the Supreme Court for reconsideration of the compensation amount earlier settled at US \$ 470 million.

(vii) Ministry of Chemicals and Fertilizers and CBI may be directed to file appropriate applications/motions before the Courts concerned to expeditiously decide the question of liability of Dow Chemicals Company and/or any other successor to UCC/UCIL

(viii) The GOI may approach the Supreme Court to allow takeover of the BMHRC by the Government of India through the Department of Bio-Technology and the Department of Atomic Energy. The hospital can then be strengthened, upgraded and run as a super-speciality and research hospital.

(ix) ICMR should establish a full-fledged Research Centre in Bhopal itself in 90 days. An Empowered Committee under the chairmanship of Secretary, Department of Health and Family Welfare and including other officers of the Ministries/Departments concerned may be set up to approve all proposals, including purchases and appointments, relating to the proposed ICMR Research Centre to facilitate setting up of the Centre within 90 days.

(x) ICMR should conduct epidemiological studies and clinical research in areas identified by ICMR including following areas:

(i) Respiratory diseases

(II) Eye-related diseases

(III) Cancer

(IV) Total Renal Failure

(V) Genetic disorders

(VI) Congenital disorders

(VII) Women-related medical issues

(VIII) Second-generation children related medical issues.

(xi) Once the reports of NEERI, NGRI and 1ICT are submitted, they will be subjected to a peer review by scientists jointly appointed by the Department of Science and Technology and the Ministry of Environment and Forests. Department of Chemicals and Petrochemicals and Ministry of Environment and Forests will also share the main conclusions of the reports with selected NGOs and invite their suggestions/comments in writing within a period of 30 days.

(xii) The responsibility for remediation actions be entrusted to the Government of Madhya Pradesh. Government of Madhya Pradesh will suitably empower the Department of Bhopal Gas Tragedy Relief and Rehabilitation.

(xiii) An Oversight Committee will be established at the level of the Government of India in the Ministry of Environment and Forests. Minister for Environment, GoI as the chair and the Minister for Gas Relief, GoMP, as the co-chair. Besides, NEERI, NGRI, 1ICT and CPCB will be associated in a suitable capacity. The Oversight Committee will provide oversight and support to the Government of Madhya Pradesh in taking the necessary remedial actions.

(xiv) Without prejudice to its legal rights to claim restitution, Government of India will bear the cost of remediation of approximately Rs 310 crore in the first instance. Government of India will also take steps to claim restitution from the persons/companies found liable for the damage on the principle of `polluter pays`.

(xv) The remediation works including disposal of the stored hazardous residues, dismantling the contaminated structure and remediation of contamination of water and soil will be taken up and completed by 31.12.2012.

(xvi) The Department of Chemicals and Petrochemicals may file an application before the High Court, Jabalpur, to discharge the Task Force appointed by the High Court.

(xvii) In the first instance, RS 272.75 crore be approved for the New Plan of Action and funds provided to the Government of Madhya Pradesh as additional central assistance on 75 : 25 basis.