

[English]

Sir, I would just like to quote from the Report:

"... From the brief parametric studies reported above, it appears that the flood peak is likely to be in the range of about 4000 cusecs and the time of arrival of the flood after the breach is about 12 hours."

[Translation]

All will be died with in twelve hours. Therefore, we have taken up it for further studies as to what arrangements we can make. Our friends from Bihar and Shri Nitish Kumarji has raised the point of melting of Himalayan glaciers. If you wish, we can circulate the report in this regard so that you can go through it. What can we say to the State Government in this regard? As we have been voted by the people to power similarly they have also been voted to power by the people. You say that they create disturbances. You tell it to the people because you are in their contact. We can not punished them... (Interruptions) We have given you a chart, you can go through it.

SHRI CHANDRABHUSHAN SINGH : It is about calamity relief fund only. . . (Interruptions)

SHRI CHATURANAN MISHRA : We have given rupees 45 crores for earthquake affected areas in your region also. We asked ICAR to repair the building of Jabalpur University. . . (Interruptions) Please listen to me.

MR. DEPUTY SPEAKER : Let the Minister complete his reply. Half-an-hour discussion is still to be taken up.

SHRI CHATURANAN MISHRA : The HUDCO is providing 30 crore rupees for this purpose separately. There is a provision in Indira Avas Yojana etc. that those houses should be constructed first which are damaged. All the departments have been geared up to do this work. Some friends have raised the question that relief fund was set up during the British rule. I would like to say that it is not hundred year old. Its guidelines have been prepared five year ago. Rupees 50 thousands are being given to the dependents of every deceased person from the Prime Minister's relief fund. All other aspects have been covered in these guidelines. Some States give rupees 20 thousand and others give rupees 25 or 50 thousands.

SHRI SRIBALLAV PANIGRAHI : It takes a lot of time for release of funds from the Prime Minister's relief fund.

SHRI CHATURANAN MISHRA : We will release fund only after receiving information of death from the District Magistrate. . . (Interruptions) We give compensation to the even to these person who is bitten by snake during floods. If there is delay that can speed up through negotiations.

Due to time constraint I am concluding my point. (Interruptions)

SHRI CHANDRABHUSHAN SINGH : You do not want to listen to us.

SHRI CHATURANAN MISHRA : I am hearing you since yesterday. The time allotted to you is over. Now it is time for us to speak. . . (Interruptions)

A question was raised here that construction of dams causes environment pollution. As per the scientific report submitted by the Government if proper precautions are taken than there is no danger to the environment. Due to shortage of time I will speak in brief. Please let me conclude. I regret that I could not reply to the points raised by several Hon'ble Members. . . (Interruptions) Rest of the Members can send their points in writing to us and we will send reply to them.

SHRI SURESH PRABHU : Heavy losses have been occurred in Konkan region of Maharashtra due to floods. That region is also required some relief.

SHRI CHATURANAN MISHRA : The State Government has not sent any report. You please give report, we will definitely provide relief.

MR. DEPUTY SPEAKER : The Hon'ble Minister has already said to send your queries in writing and he will sent back reply thereof.

[English]

MR. DEPUTY-SPEAKER : Now, the House would take up Half-an-hour discussion. Shri Jag Mohan.

18.39 hrs.

HALF AN HOUR DISCUSSION

Re: Fire Incident in Uphar Cinema in Delhi

SHRI JAG MOHAN (New Delhi) : Sir, thank you very much for giving me this opportunity. I would like to begin where the hon. Home Minister had left. You would recall that I had enquired whether there is a Stay Order in this case for the last 14 years or not.

I had also indicated that in 1983, when I happened to be the Lieutenant Governor of Delhi, there was a fire accident in what was known as Gopal Towers, a multistory building located in Rajendra Place. Of course, helicopters and other equipment were pressed into service and people were rescued. One person die in that horrible fire accident. Thereafter, I launched a drive and got inspected all the public buildings including cinema houses, high-rise buildings and places of public gatherings. As a consequence

[Shri Jag Mohan]

of that drive, licences of 12 cinema houses were cancelled including that of Uphaar cinema.

Let me now refer to the specific case of Uphaar cinema. A show cause notice was given by the Deputy Commissioner of Police (Licensing). I had instructed him to kindly go and inspect personally and not to depend upon his staff. The Deputy Commissioner went there personally and listed out the violations. The present Deputy Commissioner (South) who has been deputed by the Lieutenant Governor of Delhi to inquire into the present incident of Uphaar cinema has mentioned this in his report and drawn attention to that very notice. There were ten deficiencies which had been pointed out in 1983. On that basis, the Deputy Commissioner gave a notice to the cinema house suspended the licence for four days and said that if they did not rectify them within four days, their licence would be revoked.

Then, this gentleman of Uphaar cinema went to the High Court, obtained an interim stay order and then got it confirmed later. I do not know how that stay order was obtained because the items which were listed therein were grave irregularities like the cinema house space had been sublet to so many other people, etc. I do not want to go into all of them now. Thereafter I left for the home State of the present Minister of State for Home Affairs and I did not know what had happened. But now I find from what the Deputy Commissioner has stated in his report, that after the passage of 14 years, the same position remains this has happened because of the reasons stated in the report. At page 25 of his report, the Deputy Commissioner records that it was shocking that practically all those irregularities were still there! This is the system under which this country is being ruled. We have all the paraphernalia of the Executive, the Parliament, the Judiciary, but this is the end result.

I would like to point out one of the violations of that time, which was still there at the time of the fire accident as pointed out in the present report. It was a glaring violation of the rules that took place on the day of the fire accident. It was noted for the first time in the year 1983 and it was continuing till the date of the fire accident. It was the storage of highly combustible material in the basement of the cinema house. This storage of highly combustible material in the basement was mentioned even in the notice of 1983. They had to appeal to the Lieutenant Governor against it under the Cinematography Act. They did appeal but it was rejected. Then came this stay order.

I have great respect for the Judiciary. In fact of all the three organs of the Government, the Executive, the Legislature and the Judiciary, Judiciary had acquitted itself

marvelously, remarkably well in these years. Particularly when the Government has been keen to cover up certain cases of corruption our Judiciary has played a remarkable role in ensuring that there has been no cover up. To the extent they could do, they have ensured that all those cases of public corruption were brought to light. But the issue is fundamental. I would request you to kindly consider this. What type of legal system are we having? When you give a stay order there must be some ground for it. Without discussing it, if you say, "All right, if there is a fire, you can again give a notice.", it is not proper. A still more shocking thing is, there was another fire in the intervening period.

Even in the intervening period, no action was taken after that fire and in one way, it was done haphazardly. Contrary to stay order, they issued a temporary licence for two months. For 14 years, this two months' temporary licence has been renewed. I do not know under what logic a temporary licence virtually continues for 14 years. Under the Cinematography Act, a temporary licence is given to those talkies, which tour around for just two months. It is not meant for this. I do not know how it was tolerated; I do not know how it escaped everybody's attention. This is totally illogical, irrational. When they play with the safety of a person or a crowd, whether it is for one day or two days, how can they take risk even for a day? I really do not understand how, without ensuring that those deficiencies were removed, this was done. This is what I request. My approach has always been constructive. Therefore, what I want to suggest is that, as we know, if the Executive goes wrong, the Parliament can correct it; if the Parliament goes wrong and makes a law which is unconstitutional, then the Judiciary can correct it; but if the Judiciary goes wrong, who will correct it?

Now, this is the issue which I am posing. And my suggestion is which I have already placed - that I would not have raised this here in this forum, but for giving this constructive suggestion. There must be, in my opinion, a Constitution amendment saying that there will be an Auditor-General (Judiciary). There, the Auditor-General (Judiciary) will function on the same lines as the Comptroller and Auditor-General of Accounts. The Auditor-General (Judiciary) will be able to inspect the functioning of the courts just as the Auditor-General (Accounts) goes and determines the accounts and so on and make a Report on the functioning of the Judiciary. Are the laws being implemented in the spirit in which they are meant to be implemented? Is justice being done? It will be a great judicial reform, in my view, for the system as a whole. It will be a very great boom for the Judiciary itself because if the Judiciary is working in a very unhealthy condition, as we see, in the District Courts or in the smaller courts, then the Auditor-General will be able to bring it to the notice of the nation as a whole as well as to us.

In Parliament, we should know the ground level reality and it will not undermine the independence of the Judiciary because the Auditor-General (Judiciary) will report to the Supreme Court, which wing will be there and they will examine what measures were needed, who had defaulted, where the default was taking place, whether the personnel had done something wrong; where the system was wrong etc. It will be an independent constitutional function, just as the Auditor-General or the Chairman of the UPSC. Once appointed, they cannot be removed and they cannot get any other job under the State or the Union. Therefore, this system is absolutely necessary. I would request the Government this tragedy has happened - that if it wants to improve the system, the proposed reform should be carried out.

The third part which I want to mention, which is also related to my proposal with regard to reforms is that we see in all cities that there is no safety consciousness at all. We see the people, Government departments, or when we go even to the CPWD, to Government lands in Delhi, there are huge coal depots, wood shops where all safety regulations are being violated. They are there. Some have obtained stay orders and some have done this and some have done that. In one garb or the other, things go on.

My suggestion is that if there is a system of judicial order, if somebody can complain that such and such in the court of Batinda is doing this, let the Auditor General (Judicial) look into the same and examine it as to whether something is being done properly or not.

Now, in Delhi, we see, naturally that congestion takes place. I am quite shocked to hear from one of my officer-friends that when the Uphaar fire took place some people who were educated and were travelling in a Clelo car did not even give way to the fire brigade vehicles.

There were hoardings and hoardings. This issue is something which we have to make the nation conscious that this is what is happening. You see what is happening in Delhi. Very grave violation of Master Plan all along is taking place. According to the Master Plan, we hoarding can be shock at the crossing. In the Capital where you are sitting as the Home Minister, you will find the hoardings at the crossing or at the footpath. Therefore, I will walk on the road and get killed by some accident. That is how, so many cyclists, so many pedestrians are killed every day but nobody bothers. All the illegal constructions that are going on, where I can put only two-and-a-half storey building, I put 14 flats. In posh colonies like Vasant Vihar, Anand Niketan, Panch Sheel, greater Kailash educated people have done it. They have constructed 14 flats. And the verification takes place, I have got figures which are actually shocking. How many people are dying because of this pollution and extra congestion that is being created? These are the figures collected by an international agency.

About 40,000 premature deaths take place and 17 million respiratory asthma cases have come to light in this country of India; so many people die prematurely because of your incapacity to implement your health and safety byelaws. Some people died because of Uphaar fire. But you are killing everybody by slow poisoning every day; by remote control, you are killing thousands of people; you are causing asthma to thousands of people. It is happening because you do not have the political will or administrative machinery to implement your own laws. You go to Delhi and see everywhere. You will find hoarding on the housetops. Naturally some death takes place; somebody gets killed and then you start enquiry. But we have become mentally blind because of obsession with power. This is really in my view not only a civic issue but also a civilisational issue. We commit a large number of crimes by omission. This is an omission. Can we find any other city like Delhi which is disorderly, disorganised, chaotic, without any regard for rules and regulations? It shows that we are a dehumanised civilization. We are a civilisation with a closed mind. The Government has not given any attention to it. When you are celebrating the Fiftieth Anniversary of our Independence, let us have a soul searching. How many crimes we have committed without realising that we are committing them? When the man becomes absolutely blind in his mind, he is almost dead. Our minds and eyes have become dead. A blind man is one who has eyes but cannot see. I think, we have become blind; we have the eyes but we cannot see; that is why, all these tragedies are happening. Every day, you switch on TV and you will see 14 people died of drowning; 10 people have died in this incident. Why? It is because nobody bothers for the safety byelaws. How many people get killed because somebody overspeeding, somebody overtaking his bus or car? And when somebody wants to take an action, they say, "He is an authoritarian; you remove him from the job." What is this?

So, I would request you to kindly consider three things. While the stay order continued for 14 years, whether you take it up with the appropriate authority? The Law Minister could take it up.

Secondly, would you kindly consider, as the Government, the proposal of having Auditor General (Judicial)? Thirdly, would you do something to instill civic consciousness, safety consciousness in our community, would you do something also to have safety audit?

Why do they not conduct surprise checks? Why should they go and check once a year only when somebody applies for renewal of licence?

For example, I, as Lt. Governor, had constituted flying squads and I could send anybody to go and check

[Shri Jag Mohan]

anywhere. Naturally, people will be alert. They will not commit irregularities. But if one says that after one year somebody would come and check the licence then on that day I would remove that *phatta* and then again put it and commit the thing.

So, my point is that there is no alertness in this. Let us learn from this tragedy. I am sorry to say that it has happened, it is happening and it will go on happening. That is, unfortunately, our national ethos today. So I would request the Government to consider all these points.

[Translation]

MR. DEPUTY SPEAKER : Prof. Rasa Singh Rawat, please ask the question only.

PROF. RASA SINGH RAWAT (Ajmer) : It requires background first.

MR. DEPUTY SPEAKER : Please make your background point within two minutes, you can make it in one minute only.

PROF. RASA SINGH RAWAT : My first question is this.
(Interruptions)

MR. DEPUTY SPEAKER : There is only one question so point of first question does not arise.

PROF. RASA SINGH RAWAT : I have only 10-15 minutes time. I want your protection because nobody has left except me to speak on this issue. I have a right to make use of the time left.

MR. DEPUTY SPEAKER : Please ask the question only.

PROF. RASA SINGH RAWAT : Mr. Deputy Speaker, Sir, on 19th June, 1997, 59 persons died and over 200 persons were injured, when a fire broke out in the biggest Cinema hall, Uphar where 'Border' film was being screened. Safety rules were not observed in the hall. Transformer was not placed as per the rules. Electricity rules were not observed. Arrangement of chairs hampered the quick exit of the cinema goers. All these goes to show how the rules were violated in the national capital itself. This is very shameful and painful. In this context, through you, the first thing I would like to know from the Government is why has the licence of Uphar cinema hall not been cancelled even after such a big tragedy and gross mismanagement? Why was a notice for its closure not given, after cancelling its licence, till appropriate action is taken? Who is responsible for this?

The hon'ble Member just now mentioned that in 1983-

84, the Lt. Governor had cancelled the licences of 13-14 cinema halls, including that of Uphar cinema hall. But the cinema hall owners obtained a stay. Even though the stay order was obtained, on what authority the licensing department issued temporary licence for 2-2 months? Was it not violation of court orders? The various shortcomings, due to which licence were cancelled, were they rectified before the licensing department of the Delhi Police issued temporary licence for 2-2 months?

When the hon'ble Prime Minister, visited the hall after the tragedy, he promised to open a trauma centre soon in Delhi. Has the process begun to open the trauma centre? We think of remedy after the tragedy occurs. The Naresh Chandra Committee set up by the Delhi Administration, in its 86 page Report has blamed almost all the agencies. Such as, the Licensing Department of the Delhi Police, Delhi Electric Supply Undertaking, which was under the Government of India and the Delhi Vidyut Board. Even the cinema hall owners and the Municipal Corporation of Delhi, which looks after all these arrangements and gives the permission for building such structures, were blamed. Based on the findings of that Report, the Government set up another Committee. Why action was not taken on the basis of the first Report? Will the Government make public that Report and take stringent action against the guilty? What was the reason for so much delay in arresting the owners of the Uphar cinema hall. Which elements helped the owners and the management to escape from the law for so many days. Instead, on the day of incident, the police made security arrangements at their residences.

No proper arrangements were made to facilitate orderly exit of people from the cinema halls. Even the fire brigade personnel faced difficulty in conducting their operations smoothly. The police arrangements were also not upto the mark. What are the reasons for all this laxity.

Sometime back a seminar was held in Delhi by the Capital Foundation Society. In the Seminar also such views were expressed. As the honourable Deputy Speaker said, I will ask question through him. Will the Delhi Government issue immediate closure orders, on safety grounds, of such cinema halls which do not follow safety norms, have defects in construction, electricity arrangements and in management etc, as per the guidelines of the Municipal Corporation of Delhi? What is the reaction of the Government thereto? My second question is regarding the steps proposed to be taken by the Government to prevent such tragedies in future?

My third question is that since, the state is responsible for the man made tragedies, why does the Government always becomes lax in carrying out its responsibilities? Why is it that so many incidents of fire breaking out, occur in

Delhi, be it jhuggi jhompris, sky-scrapers or in cinema halls. Is the fire brigade in Delhi not efficient?

I would like to say one more thing that negligence of authorities make the common man suffer. . . (*Interruptions*)

MR. DEPUTY SPEAKER : You ask the question. Your two questions are over.

PROF. RASA SINGH RAWAT : Dual system is prevalent here. The police and the licensing department are under the Home Ministry and some of the arrangements are under the Delhi Government. And then there is also New Delhi Municipal Corporation and the Municipal Corporation of Delhi. Due to the division of responsibility, no single agency is responsible. As per the section 141 and 142 of the Constitution, the Supreme Court has the Special Power to take action in case of man made tragedy. But the process of making a law or drafting a Bill, can only be undertaken when the Government takes the initiatives promptly. Will the Government undertake legislative initiative and make laws to prevent such tragedies in future?

MR. DEPUTY SPEAKER : Mr. Rawat, ask the question. You have even outshone Mr. Jagmohan.

PROF. RASA SINGH RAWAT : Let me read a line related to Supreme Court. Section 141 of Constitution says:

[*English*]

It says: "The judgement given by the Supreme Court shall be binding on all Courts within the territory of India."

[*Translation*]

MR. DEPUTY SPEAKER : Please ask the question. I have to repeat this. Now please conclude.

PROF. RASA SINGH RAWAT : And after that it has been mentioned in 142.

My question is whether government is introducing a Bill in the Parliament to make a law by which such incidents of arson may be stopped and alongwith that other provisions may be included in it for punishing those who donot strengthen security arrangements and follow them strictly.

Secondly, Delhi Police and licencing department, who were responsible for it and who had issued temporary licences for two - two months; so what stern steps are being taken against the responsible officers in this regard?

MR. DEPUTY SPEAKER : You are repeating it. You have already asked what you are repeating. You are a senior Member of Parliament.

PROF. RASA SINGH RAWAT : There is a last point. The Home Minister has himself accepted that rules are not

being followed in the construction of big buildings in Delhi. Whether the Ministry of Urban Affairs who is responsible for Delhi will take utmost care in this regard too? Action should be taken against builders of those buildings which have been constructed after violating the rules.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MOHD. MAQBOOL DAR) : Mr. Deputy Speaker, Sir, whatever happened in Uphar Cinema on 19th of June was very tragic. I personally feel very sorry for those 59 persons who died on the spot. 103 persons were seriously injured. I respect the sentiments of honourable Members because it is not merely his sorrow or my sorrow, but a sorrowful incident for the entire country. They were our children. I relate my personal experience, my child had also gone to see this very picture. I experienced the sorrow myself on that very day; when my family members came to know about the incident they fainted. Anyway, by the grace of God he had gone to some other cinema hall to view the same picture Death or life is the discretion of God. But I gave this example because my child returned back safely but what would have happened with those people whose children did not return. Those families who have gone there for recreation what happened with them. I fully associate myself with this unbearable loss and sorrow.

Anyway, I fully agree with Shri Jag Mohan here. He has always maintained a realistic view. This is not flattery. He has been the governor of our State. I have seen his style of work. At that time also he used to take the pedestal above the party line. He used to speak without hiding any fact. Today also, the tone of his speech and the expression of his sentiments pose realistic view. I fully endorse his views by letter and spirit.

Careless acts have been committed. There is no doubt about that and he has expressed it properly. A transformer of 1000 k.v. or 500 k.v. capacity was kept there. It should have been put outside but was kept inside. At 7 o'clock in the morning it was checked. At that time a defect was detected. It was not of any quality, therefore, it again developed fault in the evening at 5 o'clock. Some leakage had taken place, perhaps oil had spilled from it. I fully agree with him that carelessness took place and all the agencies are responsible for it. There was laxity from the side of cinema management, five service department or M.C.D. or those responsible for finally issuing licence. Why did it happen. I again want to say we make laws and are representative of lakhs of people, but even after 50 years of achieving indepence we have not been able to inculcate civic sense and legal sense in the people. I would humbly request and assure the honourable members that your suggestions would be duly considered by the government. But alongwith this, I would humbly request

[Shri Mohd. Maqbool Dar]

that in this issue and all other issues where serious situation arise, we, as representative of the people, should educate them and have to inculcate a civic sense and legal sense in the people. My personal experience has been that once I saw some youths misusing government pipe. When I objected and asked whether it belonged to them they said that it belonged to the government. Therefore, I would like to repeat that civic and legal sense has to be inculcated because as a representative, they have expectations from us. They give recognition to us and in order to utilise this recognition we have to make them understand that this is government property and government's property is self property. Whether it is government's work and whether any official or any common man is involved in it. They relate it with issuing licence. Honourable members have rightly pointed out, if there was a stay for two months, then why was interim order given for opening up of cinema. I shall repeat that big blunders were committed. From the side of the government, the enquiry officer or committee under the leadership of Deputy Commissioner (South) Shri Naresh Kumar was constituted. They have submitted a report. They completely agreed with our views, honourable Jag Mohan's views and other honourable Members views that negligence took place. The recommendations made by it will be given to you and after combining your advice, it will be considered. I assure you about this. This is not a small loss but unbearable loss. Those who have died will not get life again. 59 persons including Children and elders have died. We often talk about their welfare. But when these people are no more about whom we shall talk. Therefore, I with full sentiments and from the deepest of my hearts, share your grief.

You talk about stay, it is due that stay was taken. But in this regard, Please excuse me for my ill manner. One of our friend in his speech has said that he is not afraid of this government or constable or S.P. But at that time there was no constable or S.P. He said a lot then a person with red turban appeared before him. He again said that he is not afraid of the S.P. or the D.G.

As regards the policeman present there, he said that he was his servant and would follow his orders. It has been mentioned here that due respect should be given to court and there should be no scope for contempt of the court. But for the information of the Members and the August House, I would like to tell that obtaining stay order in this case has consumed a lot of time. You may doubt that it has been done deliberately but I have read this report myself and have found that this case has been more than 50 adjournments and several of these were given on submitting simple affidavits.

[English]

You cannot, I cannot and anyone of us cannot question this delay.

(Translation)

I agree with your suggestions.

(English)

That is worth considering.

(Translation)

However, I assure you that the suggestion given by Rawatji would be given due consideration. Whether the persons concerned belong to management of a cinema Hall, any other organization or department, if they are charged with certain allegation, they should be given stringent punishment. It is only because of negligence that several people lost their lives. Earlier, this case was given to crime branch and now it has been handed over to CBI, I assure you that persons found guilty in this case will be given stringent punishment after receiving CBI report. . .(Interruptions)

PROF. RASA SINGH RAWAT : Sir, whether families of all the victims have been given compensation or not? . .(Interruptions)

SHRI MOHD. MAQBOOL DAR : I am also part of this government. I will say families of the victims should be given a compensation of Rs. 2 lakh or even upto Rs. 10 lakh, but this cannot be compensation for a life, I would like to say humbly that this amount is given as a token of sympathy. Earlier, Lt. Governor had stated that Rs. 50 thousand will be given as compensation for the deceased and Rs. 20 thousand for seriously injured and Rs. 10 thousand for persons who got minor injuries. Perhaps it has been changed after your suggestion or after reconsideration. Hon. Minister of Home Affairs, Shri Inderajit Gupta has considered over the matter and has sent a proposal to hon. Prime Minister for approval with a recommendation to double the amount. . .(Interruptions)

I assure you that this proposal has been processed and sent to the hon. Prime Minister because the amount is to be released from Prime Minister Relief Fund. Now the families of the persons who died in this case will be given Rs. 1 lakh each and those who have been seriously injured will be given Rs. 50 thousand each. Similarly, persons who have received minor injuries will be given Rs. 25 thousand each as compensation. . .(Interruptions)

PROF. RASA SINGH RAWAT : Sir, I raised a question as to whether the government propose to move a Bill on it or not? This has not been answered to. . .(Interruptions)

SHRI MOHD. MAQBOOL DAR : I can say that I have given several details to stop recurrence of such incidents. I also take such incidents seriously but you do not take them seriously. I am not a very prominent person but you enjoy a high status and you consider it seriously in your own way. Though I am not so prominent but I take such incidents very seriously and will try to do my best whatever is needed, be it enacting a law or an act. I assure you that I will take all possible measures to stop recurrence of such incidents.

MR. DEPUTY SPEAKER : The House now stands adjourned to meet tomorrow at 11.00 a.m.

19.20 hrs.

*The Lok Sabha then adjourned till Eleven of the
clock on Thursday, August 7, 1997/
Shravana 16, 1919 (Saka)*
