

409 Resolution re. Compensation to Victims of  
15.55 hrs.

RESOLUTION 152  
RE-COMPENSATION TO VICTIMS OF  
BHOPAL GAS DISASTER

[English]

SHRI SATAYAGOPAL MISHRA  
(Tamluk) I beg to move

This House urges Upon the Central Government to take measures for giving adequate compensation to the victims of Bhopal gas disaster and also to take appropriate steps for the extradition of the former Chairman of Union Carbide Corporation (UCC) from U S A to face the criminal charges in the gas leak case"

The world's worst industrial disaster took place on 2nd/3rd December 1984 when Union Carbide India Limited, a subsidiary of Union Carbide Corporation of United States of America released 40 tonnes of extremely toxic methyl isocyanate from a storage tank at UCIL Plant in Bhopal causing the death of about 5,000 people and seriously affecting the lives of about six lakhs people. Since then, more than seven years have gone. Many discussions have taken place in both the Houses of Parliament, many articles have appeared in different newspapers, countries have given their judgments-but the fate of victims of this tragedy remains still undecided. In March, 1989 the Parliament passed the Bhopal Gas Leak Disaster (Processing of Claims) Act. On 14th February, 1989 the Supreme Court of India ordered the Union Carbide Corporation of America to deposit 470 millions US dollars with the Registrar of the Supreme Court of India towards the final settlement of all criminal and civil liabilities. On 3rd October, 1991 the Supreme Court modified the 1989 Settlement to permit criminal prosecution of the then head of U C C. Mr Warren Anderson and others against whom a charge-sheet has been

released immediately after the disaster for relief and rehabilitation, a sum of Rs 7 14 crores has been paid as interim relief to the specific categories of victims on the direction of the Supreme Court, a sum of Rs 310 30 crores has been released in March, 1990 during the regime of the National Front Government for payment of interim relief of Rs 200 per month to the victims, a sum of Rs 36 67 crores has been released by the Government of India to the Government at Madhya Pradesh as its share for implementation of Action Plan with an outlay of Rs 163 10 crores which includes economic social and environmental rehabilitation as well as provision of medical facilities. But a large section of the people inside and outside the country feel that justice has been denied to the victims of the disaster. Neither the Government of India nor the State Government of Madhya Pradesh has taken proper care to save the victims. 470 million US dollar settlement is too inadequate so far as the gravity of the disaster is concerned. The victims are forced today to come to the streets. Nothing has been done for the extradition of Mr Warren Anderson, the then Chairman of the Union Carbide Corporation and others. The situation has forced me to come forward with resolution even after the long period of seven years of the incident. The notice of the resolution was given on 21st March, 1992. In the meantime the Government has found some time to introduce a bill on 27 4 192 to declare the tribunals for the welfare of Bhopal gas victims as civil courts. This is the attitude of the Government of India towards the victims of the world's worst industrial disaster.

Now, I will take up the case of compensation. The Bhopal Gas Leak Disaster Act, 1985 given power to the Central Government to determine the total amount of compensation to be appropriated payable in general in relation to each type of injury or loss. As the only representative of the victims, the Government of India reached to a full settlement on 14-2-1989 with the Union Carbide Corporation for a total amount of 470 million US dollars which is too merge to meet this serious situation.

Victims of

[Sh Satya Gopal Mishra]

16.00 hrs.

Earlier, the Government of India claimed US \$ 3000 million as full compensation. This is something strange. By claiming US \$ 3000 million, the Government of India reached the settlement of only US \$ 470 million which is only 16 percent of the claim. This is complete surrender of the Government of India to the foreign multinational. Why has the Government of India surrendered the interests of the victims and compromised with the concerned multinational corporation which has committed criminal offences by killing 4000 innocent people and affecting gravely the lives of about six lakhs people? It is not known to the country, in March 1990 during the regime of the National Front Government, a sum of Rs 310 30 crores was sanctioned for payment of interim relief of Rs, 200/- per month to the victims and five lakh victims have received the said interim relief. The directive of the Supreme Court is that at least 40 claims tribunals should have to be started by 3rd February 1992 to settle the compensation claims of the Bhopal gas victims. The adjudicative process has started with a Welfare Commissioner, three Additional Commissioners, and five Deputy Commissioners, which is 25 per cent of the total requirements of 40 claims tribunals as directed by the Supreme Court. Now, the Government has introduced a Bill on 27 4 92 in the Lok Sabha to give legal status to the tribunals. I do not know when the Bill will be passed. The tribunals will have to work on the basis of the guidelines issued by the Government of India. The Government of India has not found any time to formulate the necessary guidelines without which no settlement of compensation will be finalised by the tribunals. This is the attitude of the Government. From the very beginning the Government has been betraying the victims in every step. How long will this continue? I, therefore, urge upon the Government to formulate the guidelines and to start the 40 claims tribunals immediately in order to avoid further delay in releasing compensation. The amount of compensation to be paid to the victims should also be adequate please

ensure proper compensation disbursement, without wrongful denial, delay, harassment and corruption, to the victims of the world's worst industrial disaster.

Sir, on the question of rehabilitation, it may be said that necessary medical services were not provided to the victims. No long-term concrete programmes has been taken so far for the rehabilitation of the victims. Seven-years is too long a period and the condition of many of those gravely affected by the MIC gas may have deteriorated, in the medical science it caught have come too late. An action plan Rs 163 10 crores for rehabilitation has been taken up. The plan includes economic, social, environmental and medical rehabilitation programme. Efforts should be made to monitor the early completion of the programme. The Supreme Court has asked the UCC to set up a 500-bed hospital for the victims in 18 months where free medical surveillance to the victims should be provided. The Government should take care so that the Supreme Court's order is implemented in time. As per the Supreme Court's verdict the Union Government must pay premium from the US \$ 470 million Settlement Fund for ensuring future victims for eight years. Victims should also be provided with a suitable job. All necessary steps should have to be taken for the proper rehabilitation of the victims of Bhopal Gas Tragedy.

Now, the question is Who is responsible and accountable for this disaster? I do not know why the State Government of Madhya Pradesh and the Government of India allowed the Union Carbide Corporation to set up such a hazardous industry in such a thickly populated area. The Union Carbide set up this industry in this area considering the low-cost factor only to earn more profits.

Sir, on the basis of rich material evidence, it may be said that the Union Carbide Corporation of the USA was directly responsible for the decisions, actions and events that caused over 40 tonnes of MIC to be released from a storage tank at UCIL plant in Bhopal. Knowing fully well the consequences of the release of the gas, they

This is a criminal offence. The Supreme Court of India has permitted the criminal prosecution of Mr. Warren Anderson, the then Chairman of the Union Carbide Corporation of USA and others. Accordingly, the Chief Judicial Magistrate of Bhopal on 27th March, 1992 has issued an unballable warrant of arrest against Mr. Warren Anderson. The Government of India must now seek immediate assistance from the Government of USA to secure the extradition of Mr. Anderson from USA. Now it is the duty of the Government of India for the interest of the victims of Bhopal gas disaster to preserve the dignity of our judiciary and above all for the dignity and prestige of the country to negotiate with the US Government to secure the extradition of Mr. Anderson. The current efforts of the US Government towards securing the extradition of two Libyans suspected to have bombed the US airliner should inspire the Government of India to take diplomatic, legal and extra-legal steps necessary for the extradition of one American charged with having caused the world's worst industrial disaster of the century. If on the ground of suspicion the USA Government can ask for the extradition of two Libyans and create all type of harassment to that country then why we will remain silent when one American is charged with the killing of more than four thousand people and injuring gravely six lakhs of people? The Chief Judicial Magistrate of Bhopal has also ordered the attachment of property of the accused. But at present in the name of collecting money for the purpose of construction of a hospital, the Union Carbide of India Limited has started selling its assets. This should be stopped immediately.

What is the attitude of the Government of India in this regard? They have completely surrendered to the pressure of the multinational corporation. On 7th December, as soon as Mr. Warren Anderson arrived in Bhopal he was arrested along with others under Sections 304, 304A, 426, 429, 278 and 120B of the Indian Penal Code. After detaining him at the Union Carbide Guest House for barely six hours, he was released

on bail. He was immediately flown to Delhi by State Government aircraft and then allowed to leave the country. What has happened when the Chief Judicial Magistrate of Bhopal has recently issued an unballable warrant of arrest against Mr. Anderson? Dr. Chinta Mohan, the hon. Minister of State for Chemicals and Fertilizers has said in the Lok Sabha and I quote:

"We are not thinking in the lines of prosecuting anybody". Why? Is it not the complete surrender of the Government of India to the foreign multinationals? Our Government has been pursuing a policy to invite the foreign multinational corporations to the country. Open door policy for the foreign multinationals and the Exist Policy for the workers of our county is the main thrust of the Government of India today. Multinational corporations come here only to make profits even by the way of creating harm to the lives of our people. The technology they transfer is either back-dated or experimental which is in no way serves the interests of the country. Globally, the record of the multinational corporations has not been re-assuring and the studies of the World Health Organisation have pointed out that drugs that are declared unsafe or at least unfit for human consumption in the West are being passed off as equal its drugs in several third world countries. There have also been instances of the multinational corporations involving themselves in efforts at political destabilisation in the developing countries and the fall of some Governments in Latin America has been traced to the manipulation of multinational corporations. The feeling in the third world is that the multinational corporations only look for their gains and transfer the outmoded technology to the poor countries. Therefore, why should there be any sympathy left for them? Why should we not take severer action against the Union Carbide Corporation? We must try to secure the extradition of Mr. Warren Anderson and others and attach the property of the Union Carbide of India Limited with the Bhopal gas disaster case

Lastly, I would like to come to the attitude of the Administration of United States. The

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details of the Bhopal gas disaster are known to everybody. Advertisements regarding the criminal prosecution and the arrest warrant on non-ailable section with the attachment of property has been published in the leading newspapers of U.S.A. It was the moral, legal and diplomatic duty of the American Government to hand over Mr Anderson to the Government of India for criminal prosecution. But they are silent today. On the one hand, the American Government has been asking for the extradition of two Libyans on suspicion of bombing American Airliner and on the other hand, the same Government is silent on the extradition of Mr. Anderson who is charged with killing more than 4,000 people. This is double standards American Government has created all kinds of harrasments to Libya By pressurising American Government for the extradition of Mr Anderson we should stand by the people of Libya The attitude of the U.S A. has become authoritarian Who is the U S Government to ask India not to sell nce to Cuba? Who is the Amencan Government to as Russia not to transfer Space Technology to India? They are trying to dictate to every country The interests of the Third World countnes are in danger with this dictatonal and authoritarian attitude of the U.S Government. A time has come when the developing countnes should come together to fight the authoritarian attitude of the U S Government Now the administration of America has threatened the economic sovereignty of our country by using Special 301 Why should we tolerate all these dictates?

The Government of India should negotiate with the U S Government for the extradition of Mr Anderson from U S A. to face the crminal charges in the Bhopal gas leak case This is to be done to save the dignity of our judicial system, to uphold the prestige of our country and in the interest of the victims of Bhopal gas disaster.

I, therefore, urge upon the Government of India too pay adequate compensation to the victimisd and to arrange proper

rehabilitation for them. The Government should also take necessary steps for the extradition of Mr. Warren Anderson from U.S.A. for criminal prosecution.

I, also request all the hon. Members of all sections of this House to support the resolution.

MR. CHAIRMAN: Motion moved:

"This House urges upon the Central Government to take measures for giving adequate compensation to the victims of Bhopal gas disaster and also to take appropriate steps for the extradition of the former Chairman of Union Carbide Corporation (UCC) from U.S.A. to face the criminal charges in the gas leak case"

[Translation]

PROF RASA SINGH RAWAT (Ajmer)  
Mr. Chairman, Sir, I support the Resolution regarding payment of compensation to the victims of Bhopal gas tragedy, moved by one of our colleagues, Shri Satyagopal Misra.

In fact, Bhopal gas Tragedy was full of horrors and was a black spot in the history of humanity and in the history of world Thousands of the people simultaneously lost their lives in this tragedy and thousands of people fell victims to vanous diseases Bhopal city which was earlier known as the city of ponds and a saying was prevalent 'Yal To Bhopal Tal., Aur Sab taiariya' The same Bhopal city came to be known in the entire world due to this horrible poisonous gas tragedy and death of thousands of people and now the attention of the entire world has been drawn to the fact that of the scientific ahevements are not used properly and with outmost care, the poisonous gases may take the lives of lakhs of sleeping people and these gases may effect lakhs of neighboring people. Bhopal gas tragedy has proved it. This tragedy had happened in 1984 and it is 1992 now. In 1985 an Act was passed by this House which had said that as it was the greatest tragedy of the World, therefore kith

and kin of the victims and the affected people should be paid adequate compensation. The company should be asked to pay due compensation to all i.e. children, orphans or helpless widows or other affected people who were alive in the family after this tragedy. Credit goes to Supreme Court which had taken keen interest in this case and has forced the Union carbide to make payment of crores and billions of rupees to the victims. But I am sorry to say that no concrete steps have been taken in this direction though it is now 1992. Thousands of the people hold demonstration at the Boat Club every year on the anniversary day of the Bhopal Gas Tragedy. The reason for holding such a demonstration is that till now the Bhopal gas victims have not been paid any compensation or relief. No arrangements have been made for their rehabilitation or for the treatment of their diseases. Such type of factories or companies should be allowed to be set up away from the populated areas of the cities. The action in this matter has not been taken expeditiously. The result is that our hon. Member has been forced to move such Resolution in the House. Through you I would like to submit to the Government that the Union carbide is the culprit, the then officials of this company are also criminals who were arrested, but they were allowed to go to America without any harm, I do not know, under which plan. The owners of the company are indulging in all sorts of procrastination sitting in America. The owners and the officials of this company are responsible for this tragedy and for the death of thousands of people. Such a large number of persons lost their lives in this tragedy due to carelessness on the part of the officials and the owners of this company. The owner of the company should be called back to India. India has very cordial relations with America. Taking advantage of our good relations with USA, and using all sorts of tricks whether political or diplomatic or in the name of humanity, the guilty persons should be called back to India and they should be awarded the most stringent punishment, according to our laws. The guilty person who has indulged in such an inhuman task should be called here and asked to face the punishment under our laws. The most

stringent action should be taken against him.

Sir, we are inviting multi-National Companies in our country and thus we are neglecting indigenous industries. In these circumstances it is very necessary to award them most stringent punishment to caution them and to teach them a lesson. In the people, responsible for such incidents, are not awarded the most stringent punishment, the coming multi national companies, which are coming here to challenge our economic sovereignty or which are making intrusion in our country, which are expected to bring new technology here, may cause death of the innocent people, its employees and the people living in the neighbouring areas due to carelessness on their part. Therefore, through you I would like to urge the Central Government to shirk all its mental weakness and being an independent and self respected country it should hold talks with America, with all its dignity, and ask USA to hand over the owner of Union Carbide to India and proceedings against him should be started in our Court. This case should include payment of compensation and arrangement of other things. I would like to submit to the Government of India-

" Bahadur kab kisika asra-ansan lete hain,,  
Usi ko kar gujarte hain, jo dil main than lete hain,  
Dilwar mard ka lohha jab man lete hain,  
Jo kamzor hota hai, kar uske sab pakar lete hain".

Through you I would like to submit to the Government that it should not feel weak. Such weakness is fatal for the country. America may be very powerful and Union Carbide may be very rich company, but when our innocent people have lost their lives, hundred of children have become orphans, thousands of mothers have become widows and thousands of the people are still suffering from several diseases and undergoing many agonies, they are wandering from door to door and there is no place for him in hospitals. The new diseases are affecting the people in Bhopal due to

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poisonous gas, that is why the people of Bhopal are forced to stage demonstration here. Therefore, the Government of India should take action to bring the criminals here to face the charges.

Mr. Speaker, Sir, I would like to submit one point regarding payment of compensation. It was already decided that the genuine persons should get the money under this Act. But some sort of committee was constituted or some organisation was formed by the middlemen and middlemen come in the way, who offered their services to serve the depressed or the victims. These middlemen began to embezzle the money in the name of seeking relief from the Government as several formalities had to be completed like filling up the application forms and other forms. Many middlemen opened their offices and many became very rich and the genuine persons who should have got the money did not get it. So through you I would like to urge the Government that the victims of Bhopal gas tragedy should be rehabilitated and the relief should be provided to the genuine victims and efforts should be provided relief to those who have not been provided relief up to now. I would like to say that the crores of rupees, which are to be given to the victims according to the judgment of the Supreme Court must be given to the victims. The Central Government has assigned the responsibility to the Madhya Pradesh Government to work according to the judgment of the Court and it has appointed a Commissioner for the purpose and the Government has to introduce a Bill in the near future regarding the delegation of powers and to provide relief to the Bhopal gas victims. The attention must be paid to provide relief to them and if such multi-national companies, which produce poisonous gases or chemicals, set up their factories or big units, should be strictly directed not to be careless in future. All their plants should be examined from time to time so that such tragic incidents do not recur in future. Our inspectors, environmentalists and other officers looking after such plants whether they belong to the Central Government, State Government or

the concerned departments, in addition to those companies should be held responsible for such accidents and they should see to that such tragic accidents do not recur in future.

Mr. Speaker, Sir, I am remember the words of Acharaya Vinoba Bhava on this occasion:

"Science is feet and self-knowledge is eyes", science knows how to go ahead, lest one's feet should slip into a pit, so it is most essential for the eyes to give them the right direction, even then science wants to make a progress but when that science may become fatal for man, when that science may create a tragic scene for man, the very big companies or the official or administrative workers or the other people work very carefully to use these toxic, chemicals, their use should be restricted or strict rules should be observed to protect health so that such carelessness never takes place in future.

Sir, through you, I would like to make another submission and I shall also make a submission to the Central Government that this matter should be expedited. As many as eight to nine years have elapsed and laws have also been framed, everything has been done, but nothing has been done, so officials should be appointed through the Government of Madhya Pradesh and through Central Government and the organisations created to rehabilitate them. It should also be evaluated and examined whether the money, which has been distributed in crores of rupees, has really reached the victims or not. Are the children in their families being brought up properly or not, have their houses been made or not or have the new localities been constructed for them or not? It should be examined whether the widows and those who are helpless and suffering, those who have been rendered blind, those whose eyesight has gone, are being given some kind of support or whether the money which has been given by the Government is being used properly for their upbringing and their happy life or not, and the needy people should be given adequate help, all this arrangement should be made.

With these words, through I would like to demand from the Government that all the victims of Bhopal gas tragedy- the greatest devastating incidents of this age should be given adequate compensation and the resolution moved by our hon. Member colleague is really a resolution for the public welfare. The owner of the Union Carbide should be pressurised because we have heard that those companies have earned a lot of money here and repatriated it to the U.S.A., if so much of money is kept in their bank accounts, then the Indian Government should ask U.S.A. and the owners of that company for money that so many of our people are facing so much of difficulty and we have to spend so much money, then that money should be recovered from them this kind of an arrangement should be done. With these words I shall again make a demand that the House should accept this resolution.

[English]

SHRIMATIMALINIBHATTACHARAYA (Jadavpur): Sir, I rise to support the resolution moved by Shri Satyagopal Misra. The tragedy of Bhopal, that occurred in the small hours of 3rd December, 1984, has been described as the greatest industrial disaster in human history. I would like to start by saying that, of course, it was a disaster for those who died, but it was a greater disaster for those who continued to live on as the victims of that tragedy. It was most disastrous not only because of the physical suffering that the victims incurred, but it was disastrous because of the negligence, the callousness, the cynicism towards these victims of those who might have done something. And the most tragic aspect of the whole affair is that just because most of the affected people were poor and insignificant nameless people, it was assumed that they cannot have justice and they must be satisfied with dribblets of pity and charity. Even that thing all these seven or eight years, has been withheld from many.

In the resolution, as it has been presented in the House, measures have been sought for ensuring adequate compensation. And at the same time, it has asked for the extradition of ex-Chief of the

Union Carbide Company. I would like to say that these two demands are inextricably connected with each other. Is it because of personal vindictiveness that this extradition is being demanded? No, Sir. It is in the interests of minimum justice.

Earlier, just after the disaster had occurred, this accused has come to India. He had been arrested and released on bail on condition that he would appear in court whenever summoned. On 8th April, 1985, legal proceedings for the recovery of compensation against Union Carbide Company were initiated by the Government of India in the New York Southern District Court. This was dismissed on the ground that the forum was not suitable. However, the New York Judge Keenan at that time stipulated that Union Carbide Company should consent to submit to the jurisdiction of courts in India. It is in arrogant and blatant violation of these directives both of the United States and the Indian judiciary that the accused has continually turned deaf ear to the repeated summons of the Bhopal Court. The judgment of the Supreme Court of 3rd October, 1991 has revoked the criminal immunity earlier granted to Union Carbide Company so that criminal proceedings are started by the CBI once again. These criminal cases had been kept in abeyance since 1989 in the Bhopal District Judge's court. Now they have been opened again. However, the main accused are missing. Moreover, attachment of movable and immovable properties of UCC chief had been ordered by Chief Judicial Magistrate on the 1st February 1992. But court told that legal opinion taken by Government suggested that under United States criminal procedure, attachment of property cannot be invoked to compel the accused to appear in court. So, that move was frustrated. As far as the CBI's plea to attach the property to attach the property of the Union Carbide Company in India is concerned, it itself is still pending before the court and the accused, that is, the Union Carbide Company has taken this opportunity to try to sell of its Indian shares. The latest that we have heard about these attempts is very alarming. It seems that already they moved quite a few steps towards this

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transference of their property through insidious means. It has been said that on the 20th March last, the Union Carbide Chemicals and Plastics Company of USA created a charitable trust called the Bhopal Hospital Trust, and appointed Sir Ian Percival, a former London based solicitor as its trustee. On the same day, by a security agreement, the Union Carbide entered into an agreement with the trust and pledge to it all its right, title and interest in its Indian shares. And it seems that already this move has received the sanction of the Reserve Bank of India on FERA grounds. We want to know whether this is true or not because if this so, then the legal procedure is going to be much more complex than originally expected. We also feel that now the culprits are in hiding expected. We also feel that now the culprits are in hiding like Meghanath. They cannot be seen when hiding behind clouds and from there, they are trying to manipulate the situation so that if the Indian judiciary, at the end of the criminal proceedings, orders them to pay a fine as compensation, then they can wriggle out. If they are allowed to do it, if the Government of India cannot prevent this, then there will be no way to enforce them to pay that fine. Therefore, we would also like to demand that all unencumbered assets of the Union Carbide in India will have to be maintained until the criminal suits are decided. The sheer cynicism of culprits is revealed in this project of offering 17 million dollars for a hospital, apparently for the Bhopal victims. On a global scale, they are repeating the effrontery of food adulterator who, by adulterating baby goods, goes to Ganga for a bath and on his way back pays some paise to the beggars. That is the attitude that the Union Carbide is taking by offering this hospital to the gas victims. Why is it important to carry on criminal proceedings? Of course, they want one basic thing; that is, demand of natural justice. They have been charged, as an we should remember, of death by negligence not of one poor two or five or ten persons but at least 3700 persons and more people are thought to be dying even now as long term effect of the disaster. But we feel that pursuing criminal proceedings is also

important because it is through these proceedings that the financial penalty may be imposed on the Union Carbide Company. The Supreme Court's settlement of 470 million dollars, as already pointed out before, has been rejected by the victims because it is considered insufficient and arbitrary. Hence, criminal proceedings may perhaps help to ensure a more acceptable amount. But with the culprits absconding, this cannot be done. What is surprising is the question that comes too our mind. How did the Supreme Court arrive at this settlement of 470 million dollars? How did they come to this sum? Through the Bhopal Gas Leak Disaster Act, 1985, the Indian Government has reserved for itself the exclusive right to represent and to act in place of any person who has made any claim in this connection. This sole representative of the interests of the Bhopal gas victims started by announcing that it could claim damages for three billion dollars, that is, Rs. 3,900 crores. As late as on 29 January 1988, the Indian Government again filed an amended plaint in the District Court of Bhopal,, claiming the same amount. However, in 1989 it was suddenly suggested to the court that what was required was a minimum of 500 million US dollars instead of three billion dollars. 500 million dollars instead of three billion dollars. Why this scaling down of claims? On what basis was it done?

So far as Government of India was concerned, insofar as it was the sole petitioner for the gas victims, it was solely responsible for dereliction of duty. We feel that the Court was misled and the case of gas victims was misrepresented.

Of course, the attitude of the Union Government has been changing for some time. In 1986, there was some such effort at compromise and this time we find that this change in the scaling down of the demand was done on the pretext that the assessment of claims was not only faulty in method but also incomplete. At the time of the settlement, only about 5 per cent of all the claims had been categorised and from that the total amount had been assessed. The medical categorisation of the victims itself is said to

be faulty. Go instance, all the 15 categories of claims due for compensation as defined under Bhopal Scheme of 1985, seven have been left out of the ambit of settlement. This is how the sole petitioner on behalf of the Bhopal victims has conducted itself. This is how it has represented its case and this is how the settlement of 470 million dollars is arrived at.

So, if adequate compensation is to be obtained, it is very necessary that the unencumbered assets of the Union Carbide in India should immediately be frozen.

There is another point. If this is not done then all future liabilities for the crime committed but a multinational company will be passed on to the Union Government, that is to the Indian people because it is the verdict of the Supreme Court that India being a welfare State should make good the deficiency, if any. So, ultimately, if there is any deficiency in the payment of compensation, if Union Carbide has already paid what is due then obviously according to the Supreme Court's verdict it is the Indian Government that means the Indian people, which will have to pay this additional compensation. So, apart from being subjected to the multinational poison the country also will have to pay the price for its ill-effect.

There is a saying in English that if one wants to dine with the devil one ought to have a long spoon but if the devil is the devil of world imperialism, if the devil is the devil of multinational group then that devil would not allow you to have a long spoon and that is very evident from the Bhopal case. The Bhopal case first made it evident and today in this imposition of Super 301 we are realising it on lie too well once more. In the meantime eight years have passed.

The 1985 Act was made and it was add, I have read the Act, to see that the claims were dealt with speedily, effectively, equitable and to the best advantage of the claimants. I would not go on the point of best advantage of claimants as I think I have argued that point earlier. So far as the speed is concerned,

you have already heard what has happened to the office of the Commissioner. Even now it is not fully equipped. How many of the tribunals have been set up and apart from that so far there has not been any comprehensive inquiry into the implicit of disaster, the social and environmental fall out of the disaster; its long term affects, how it might affect the coming generations, the child in the womb and to decide on adequate remedial measures there has been no inquiry so far, no comprehensive inquiry so far on this.

There was one Commission, Justice N.K. Singh Commission but that was summarily disbanded before it could produce its report. So, we find that after the disaster for five long years not even an interim relief was paid. It must be said to the credit of the National Front Government that it at least managed to allocate Rs. 360 crores for interim relief at the rate of Rs. 200 per month for all the residents of the gas affected wards for the next three years. But that is all. The fact that nothing has been done in all these years was used as an argument in the Supreme Court for accepting whatever was available once and for all. That is you have not got anything in all these years, so if you wait of much longer than possibly you will get nothing that is why get wherever you can. That was the attitude and that attitude, I am sorry to say that was reflected even in the Supreme Court Judgment. This is what the Supreme Court has said.

"That compulsions of the need for immediate relief to tens and thousands of suffering victims could have in our opinion wait till these questions, the is other judicial issues, vital though they be, are resolved in the due course of judicial proceedings, that is why hastily this final settlements of \$ 470 million was arrived at and once for all justice was denied to the victims".

The Act has said that it was meant for an effective solution-speedily, effectively and equitably. It has been effective in one thing: in persuading the judiciary that because they

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are poor and helpless any small act of charity from Union Carbide Company would be good enough for them. That is what they have been effective. And equitable? Of course, they have shown utmost lenience, exemplary lenience, but so far as victims are concerned, equitability has been ensured only in so far as no one has got anything. That is where the equitability lies.

Now, the Government, after all these seven or eight years, has brought a small Amendment to the Act by giving the Commissioner some powers. We have no objection to this Amendment as such, but we would propose that you modify the Act altogether, constitute a Commission with the necessary authority for time-bound enquiry and monitoring.

Sir, towards the end of my speech, I would like to say that the present policy of the Government is likely to bring many more multi-nationals into the country and not just one Union Carbide Company. So, many other such companies are likely to come.

In fact, the Government has passed two Acts in this very Session in which it has admitted the dangers of this unrestricted entry; one is the Harmful Insects and Pests Act and the other is the Public Liability Insurance Act. Here, you have admitted the harm and the damage that can be done by the multi-nationals, by unrestricted import from abroad, But these two Acts are not enough. They are nothing. They are just going to be straws before the storm. Pollution-creating technologies are going to be transferred from the North more and more. Ultimately, what happened in Bhopal? There, it is not just the environmental question alone but it is the fact that the culprits are even now going Scot-free, the fact that they have the effrontery to throw scops to our people as if they are bidders, the fact that they have the effrontery to challenge the authority of the Indian judiciary and that they have the effrontery to deny to our people justice and offer them charity only. This reveals the play of politics behind Bhopal and such other

environmental issues.

Here, we are directly in confrontation with people who can get away with murders of thousands of people. Today, there is one Bhopal. But what happened in Bhopal in 1984 may happen anywhere in India some years from now, maybe not a sudden disaster but a slow disaster. But as big a disaster, we cannot rule it out with unrestricted entry, that is being given to the multi-nationals.

Therefore, Sir, it is our submission, it is our demand that these criminals, these international criminals must be brought to book and justice, not charity, not a few drops of pity; that is not for the victims of Bhopal gas tragedy; but full justice must be ensured to them; and it is as a step towards this that I support this Resolution and I request the other Members, my colleagues, to support this Resolution with me; and I request the Government most strongly to accept this Resolution as well. Thank you.

MR. CHAIRMAN: Shri Sriballav Panigrahi.

SRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, Sir,....

DR. RAJAGOPALAN SRIDHARAN (Madras South): There is no quorum.

MR. CHAIRMAN: Mr. Sriballav Pangrahi, you please resume your seat.

Let quorum bell be rung.

Now there is a quorum. The hon. Member,.

SHRI SRIBALLAV PANIGRAHI: Mr. Chairman, I thank Shri Satyagopal Misra for having moved this Resolution which at least provides an opportunity for discussion on this subject, which also in turn gives us a chance of an opportunity to make a review of this matter.

Definitely, it is a matter of disgrace that even after eight years of the occurrence of

this disaster this matter is still being discussed here.

This was one of the greatest disasters of the century killing thousands of innocent people, spread over 30 wards in Bhopal city. After more than eight years, we are discussing it in Parliament. This is not a happy situation.

After this disastrous incident took place the Governments both at the Centre and also in the State, no doubt, took prompt actions within their limitations to provide relief and to arrange the rescue operations. Thereafter the Government of India also enacted the required legislation. Prior to that there was no such legislation.

The incident took place on the midnight of 2nd December, 1984, rather into the early hours of the 3rd December and on March 29, 1985 after the Eighth Lok Sabha was constituted, at the earliest opportunity, Parliament passed the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985. The matter was also agitated in the concerned courts of law. It was also raised in the courts in the U.S.A. also. But it was rejected by the Judge there in different pleas, the plea of jurisdiction, etc.

17.00 hrs.

Thereafter the Union of India preferred the claims before the District Judge's Court Bhopal. Even there, the matters are delayed. In our judicial system delay is its companion. Something should be done overall, to scuttle this delay in our juridical system. We all know the justice delayed is justice denied. In spite of that justice is being delayed. Under the present cumbersome procedure there is inordinate delay in deciding even such matters in district courts. Whatever it may be, the District Court, Bhopal passed an interim order directing the Union Carbide Corporation to make a payment of Rs. 350 crores, it was an interim order.

Sir, please look at the tragedy. When there was an appeal against this Order before the Madhya Pradesh High Court, one honorable judge there got it reduced by Rs. 100 crores, from Rs. 350 crores to Rs. 250 crores. Of course, again appeal was made against that by the Government of India. What I mean to say is that the Government

has tried in its own way not only to protect the interests of the victims but also to provide necessary relief, etc. as speedily as possible.

Then, lot is been said about the quantum of amount finally settled at 470 million dollars. Naturally in such cases, there cannot be any limit. The sky is the limit. And whatever the highest figure could be achieved, that is welcome. I cannot say what could be the exact amount. But as much as possible should be arranged, should be attempted at.

17.02 hrs.

[SHRIMATI MALINI BHATTACHARAYA  
in the Chair]

Whatever we may say here, there can be no substitute for human life. We may pay one lakh rupees, two lakhs of rupees or one million. But that amount can be paid only to the next kin of the deceased. The valuable life, which had been lost, cannot be got back. Therefore, I emphatically say that there can be no substitute for human life by way of this compensation, payment of money and other things. But under the circumstances, when there has been an accident or a disaster, a pertinent question arises as to whether that could have been averted. Certainly it could have been averted had all precautionary measures been taken well in time. Who are responsible of this disaster? That is not yet known in clear terms and the reasons, the circumstances, leading to such disaster are not yet known.

Some times, even in our public undertakings, for example Coal India Ltd., here and there, in the process of construction there were some accidents. In the last rainy season, Indravati Reservoir Multi-purpose Project was under construction in Orissa, And there was a channel. More than 100 labourers were working in that. Suddenly flood water rushed in without anybody's knowledge and a disaster took place. These are all very unfortunate things. But when it takes place, we should know the reasons and the circumstances of it. And particularly, when a large number of multi-national corporations are now interested to come over to India to invest and to set up their industrial units, we have to draw adequate lesson from this Bhopal disaster. It should be really an eye opener.

[Sh. Sriballav Panigrahi]

MADAM Chairperson, while you were speaking from here you have said that this was a criminal neglect. I agree with you, Madam this disaster claimed hundreds of lives thousands of lives and driving further lots of people to untold misery. Again several thousands were maimed permanently and lakhs are still under a psychological trauma. So, naturally, for such criminal; negligence the exemplary punishment should be meted out to those on whose negligence such disasters take place. There is no two opinions about it. again, there was a question how such a hazardous industry could be located near or inside a populous city? We have to draw lesson and see that in future such things do not take place. There was a legal battle about jurisdiction, about the quantum etc. etc., and when all these things were going on, finally on 14 February, 1989, there was a settlement; there was some sort of a compromise effected in the Supreme Court and it was with the consent of all the parties. Our Supreme Court judges also in their wisdom described it as fair, just and reasonable. The logic of the settlement was that it will provide speedier relief to the helpless victims. This is very significant but one riding factor was there that speedier relief would be provided. Of course, 300 billion dollars was the claim preferred. There is a lot of gap when compared to the 470 million dollars paid. In India it also appears to be a huge amount but actually from the American point of view and again considering the gravity of the situation here it is a meager amount. Even in some other disasters where the loss was much less, the multinational corporations paid compassion of the order of 1 billion dollars. But, here in our situation and in our anxiety to provide speedier relief to the victims, there was a settlement arrived at this amount. But, I am pained to observe that the purpose underlying, that is speedier relief, is defeated by not having created a situation to make disbursement of this compensation amount to the victims till today. This is very unfortunate part of the story. The highest apex court decided something and why there is further delay. What is the reason of this delay? Even this settlement attracted three review petitions including one filed by

the Government of India and that was again finally disposed of only a few months before in October last. wherein this amount, 470 million dollars, was confirmed. Of course, there is an improvement in the sense that earlier in the judgment there was some restriction about starting the criminal case. That restriction was lifted in their judgment delivered in October. Together with this, certain other conditions also have been laid down by the supreme Court. The Supreme Court nullified its own judgment in 1987 Bhopal gas leak case and 470 million dollars settlement was upheld. Criminal prosecution of Carbide officials and others was allowed. This is no doubt an improvement and a welcome feature.

Again, there was a direction given to the UCC or UCIL authorities to set up a 500-bedded hospital for the victims in eighteen months' time and for free medical surveillance of victims for a period of eight years. I do not know whether that period would run from the date of judgment or from the date of occurrence. If it is from the date of occurrence, then I think that period also is going to be over.

As stated earlier, whatever might be the gap, as a Welfare State, it would be the responsibility of the Government of India to make good the loss. I would like to know from the hon. Minister whether all these directions given have been honoured or are being honoured by the UCC and the UCIL because their Chairman and managing Director, Mr. Anderson is now said to be absconding.

As I Understand, this is all under investigation by CBI. How long will the CBI take to complete its investigation? If it is carried on indefinitely, then naturally the credibility of a reputed organisation like CBI will get jeopardised. Therefore, the investigations should be completed soon.

Not only it is a question of fixing up the total amount, it is a question of making payment to the individuals. there was some order, some arrangement for paying a monthly interim allowance of Rs. 200 or somethings like that, which again, I think, is

going to be adjusted against their final payment. As I said, in such cases the sky is the limit and there cannot be any substitute for human lives and human sufferings. Whatever has been paid by way of interim allowance, should not be adjusted. Over and above that, this final payment should be made. This is a request to the Government of India for their consideration. It should not be the practice to make some payment at the rate of Rs. 200 per month or something like that, then making calculations and then again, at the time of final disbursement, adjusting that amount. This should be over and above what has been paid to them by way of interim allowances.

As regards the payments to be made to the individual victims, again the respective claims will have to be referred to the Commissioner, Arbitrator or something like that. The procedure prescribed is also civil court procedure. In such cases also, if there is any dispute, then it will take a very long period further worsening the situation. The child who was unborn at that time, who was in the mother's womb, has since been born and is now 8 years old, may be with deformities and physical disabilities. How long should such children go on suffering? Naturally, the special courts with the special procedure prescribed should be hurried up to do justice. Some responsibilities are also given to the State Government there.

Who is monitoring all these things? We have created some Commissioners for this purpose. But even their officers, their court rooms are not ready and it is taking an ordiantely long time for the officers even to get the court rooms to function from. It is something like that. Due seriousness should be attached to the matter. Regular monitoring should be there. It should be seen that C.B.I. does this work very promptly giving to most proprty. At the same time, about the other thing that is criminal cases etc., the C.B.I. has decided about it after the October judgment of the Supreme Court and the C.B.I. has started action in this direction. But there are several hurdles coming in the way. The C.B.I. has taken steps to move the court for orders to be passed for confiscation of

assiets and properties of Mr. Anderson and for ensuring the appearance of the accused in the criminal case.

But, I am told, according to the U.S. laws such seizure or confiscation of property is not allowed. Something like that is going on. But, I think, we have some sort of treaty also. We have extradition treatay with America. Government of India should take this up at the highest level with their counter-parts in U.S.A. about this also.

There is no dispute about the fact that whatever higher amount could be arranged for these victims of the gas tragedy, it should be arranged. All sorts of efforts should be made with all seriousness in that direction and that also as quickly as possible. That way I would suggest what it will be better if the hon. Minister, and the Government of India as a whole, make a review of this case and whatever is lacking is made up. Wherever there are loopholes, they should try to plug them in all possible methods. There is no harm in talking to leaders of different political parties if need be - in this regard to take their views. What is there about it? We are interested in providing maximum relief to the victims. we know that the Government of India is also interested to help the victims of this tragedy. I know that the Government of India do not have any sympathy with the U.C.C. authorities. But, still, a lot of delay is taking place.

But, there are certain lacunae inherent in our judicial system as stated earlier - delay is its companion. It so happens that even when a partition suit or a civil suit is filed in a sub-judge's court by the grand- father. The same mature for hearing during the grand son's time long after the death of grand father analso the father. But, anyway, in this case that has got to be "pussued on war footing. This cumbersome procedure could be got over and some summary type of procedure could be introduced. This problem should be addressed to, by the Government of India and if need be, in consultation with the leaders of different political parties. So, earthling possible should be done to maximise the compensation amount and also that

to Victims of

[Sh. Sriballav Panigrahi]

should be paid as quickly as possible.

With these words, I conclude

**SHRI SUDHIR GIRI (Contai):** Madam, Chairman, I am on a point of information. The district of Midnapore in West Bengal has been declared literate today. This is a very cheerful and inspiring news to the whole House as well as to the nation. I bring this news to the House through you.

**MR. CHAIRMAN:** Thank you for the information. I think the House joins with you in expressing its happiness.

**SHRI P.C. THOMAS (Muvattupuzha):** Madam Chairman, I congratulate the Member for having brought this Resolution for giving compensation to the victims of Bhopal gas disaster and also to see that the legal steps are expedited. I am sorry that the Resolution has to be brought after some years of the disaster pointing out clearly that we have totally failed in securing proper justice and proper compensation to the victims. It is true that the settlement amount is only 470 million dollars whereas the claim made by the Government on behalf of the petitioners, as a petitioner is about 3 million dollars. It is a fact that we had to come to a compromise for such a meagre amount compared to the huge losses suffered and also compared to the fact the employer who was to give compensation is a multi-national company, the UCC. But, even then we have not been successful to see that such an amount is disbursed. The legal battle is going on.

Now, the Supreme Court has granted permission for the prosecution and it was on the basis of that permission an arrest warrant was issued by the Chief Judicial Magistrate. The owner of that company is an accused in a case for an alleged act of criminal negligence and it is rather unbecoming that the Government is unable to bring the accused to the Court. Now, the steps for extradition are to be taken. I do not know whether the U.S. Government has taken the plea that extradition cannot be made at all. There are cases where even though there is treaty for

extradition, the Government of foreign countries have made certain plea on technicalities with regard to extradition. Here I do not think that such plea has been made by the concerned party. However it is for us to see that extradition steps are expedited and the accused is brought back to India. I think, if further steps which are necessary to be taken are to be taken by the Government in very serious manner.

There are no two views regarding the matter that proper compensation has to be secured and given to the claimants at an early date. It is even a failure that even though proper laws have been made, a proper loss has been estimated, tribunals have not been established so far. Even if the laws have been framed and implantation has been taking place, it is sorrowful fact that steps in this regard are to go a long way. I would request the Government to take it very seriously and see that tribunals are constituted at a very early date and compensation is fixed for each individual case.

With regard to other aspects, I do wish to repeat but I am in full consonance with the fact that the Government should be duty bound to take immediate further steps to see compensation to the maximum extent is obtained from the U.C.C. and maximum is paid to all the claimants. It is case where disaster is the largest of its kind and it is a case where disaster is continuing still which is causing more and more problems. It is fact reckoned with and to see that compensation for continuous losses are properly assessed and given to the victims in proper manner.

I would also draw the attention of the Minister to the cases of this nature which are taking place elsewhere also. In Kerala I would try to bring one aspect, though this is not directly concerned. We have got some companies including public sector companies. The factories of our own public sector are also causing some kind of leakages and effluents from their side are causing so much damage to the people. I have submitted this fact to the Minister even otherwise also. There is the case of FACT which he visited also. He knows it. It is in Cochin, in my

constituency. The effluents of the factory of Cochin Division of FACT is coming through a river and is causing, continuous loss to the cultivation of poor farmers who are having less than 50 cents. These lands have become uncultivable for quite a long time because of this. It is almost 17 years since these lands had been cultivated by many of these persons. Some of them went to court and there are cases where the courts have decreed and ordered for giving compensation. Even now, the company which is a large scale company which is well within its limit to pay compensation or to acquire that quantum of land which lies nearby and to pay compensation to the farmers is not doing it. I would submit to the hon. Minister through you, that this may be considered very seriously and steps may be taken to grant compensation to the persons who are sustaining losses for the last 17 years. They are not in a position to earn their livelihood because of the fact that their lands have become totally uncultivable. I am not going into the further details.

I support the Resolution and I commend the hon. Member who has taken pains to bring for the this Bill and also to give the elaborate history of the Bill regarding the Resolution

I would also request the Minister to take all steps to give compensation at the earliest and also to secure the presence of the so-called accused who is absconding not only from the hands of court but also from the country and I would think that it is a matter to be taken very seriously by the Government of India.

SHRI DAU DAYAL JOSHI: (Kota): Mr. Chairman Sir, the hon. Members are of the opinion that the culprit should be called here and the procedure of law should be initiated. The hon. Members have shown such a feeling which is praiseworthy. Today, in the Navbharat Times a news-item has appeared that in Bhopal a case has been filed in the Court of Chief Judicial Magistrate. A lawyer representing the Union Carbide has said in the Court of Shri Gulab Sharma, magistrate only today that his client no longer has any

faith in the Indian Government. Now I doubt whether the former director will be able to present himself in the court of India in future. I think in India, there cannot be greater disaster of the century than this. The culprit came only once but he was allowed to go scot free within 6 hours. It appears that our case is weak. The way we are fighting the case appears to be deficient somewhere. quite decisively, a monitoring cell should be created in the Supreme court of India and the concerned Minister should take it seriously. The doctors of that area tell us that even after this disaster, people shall not be free from any disease. People will become blind, they will become hunch-backed, or they will become lame. For many generations we shall have to face this kind of a situation. The Supreme Court has passed orders that a hospital of 500 beds should be constructed and the Union Carbide should bear the entire expenditure for 8 years. Also a sum of rupees fifty crore was to be received for its maintenance. There is no seriousness towards it. Till now, there is no likelihood of laying foundation. Anderson is not a very big person, he is a great industrialist. But why do they not want to take stringent action against him? Cuba has written to the U.S.A demanding the extradition of the killers of 70 people to Cuba. The World Bank should tell the Government whether these victims will be able to get relief or not. I think, they will not be able to get it. There are shares for it. They are deposited in Calcutta even today. Let the Government confiscate them why does the Government not want to confiscate them? It is true that the legal procedures are such that after they are confiscated, that man can appeal in the Court within 6 months. Then the case will continue for 2 years to decide whether he is guilty or not. Today he is saying that he is not guilty while there can be no greater crime than this. So, his shares should be confiscated and a sum of Rupees 50 crore be given for the Hospital. Because the State Government has its own limitations, it cannot do much with its budget. There are thousands of people there who are ill and thousands have lost their eyesight, it is a question of life and death, that is why it is my submission that they should get the compensation money as soon as possible

[Sh. Dau Dayal Joshi]

and the culprit should be called and the case should be instituted according to rules and the punishment should be given. If we fail to punish him and depend only on the compensation amount in the hope that we will get compensation and only then assistance will be given to the poor, then there can be more disasters in the country. As the hon. Chairperson has said it herself that foreign companies are rapidly establishing their hold in India. In such a situation, this should be taken very seriously. I do not see any seriousness. The mishap that took place yesterday in Delhi is not an ordinary mishap. Godowns are there in the densely populated area. The hon. Minister is not here, the rules require that after the statement by the Minister there can be no discussion. If this statement is made in the Rajya Sabha then certainly the Government will be pulled up. I have got concrete proof that one owner out of the three owners of the factory was allotted a plot of land elsewhere but he wants to possess the property at both the places. In this way, such incidents take place. The Chernobyl incident is one such example the entire world

In Rajasthan, there is an atomic power project. Once in three years testing is carried out. Preparation for testing creates fear among people. It is true that people are trained by carrying out testing which is desirable from the security angle. There is no road up to the distance of 20-25 miles near the atomic power project but only the unmetalled pathways are there and when testing is carried out there, people are filled with fear for three to four hours. The work of rescuing people is done on a trial basis. In this connection, it is my submission that in our country there should be atomic power range like military range and there should be specific budget for this purpose. With that we can connect such dangerous areas with road so that people may reach there with fast speed. But the Government is not serious about it.

Once there was a discussion here on atomic power and Mr. George and I had

made a mention of it. A lot of apprehensions develop there and various diseases spread there. That is why we should pay attention to it. God may not bring such a tragic day, but what is destined, may happen any time, that is why we should pay attention to it and make all the facilities available. Eighth years have elapsed since the Bhopal gas disaster took place and I have been here for two years, I did not see a single session when discussion on this might have not been held. But with no result. Neither is the case being decided, nor is Anderson himself taking it seriously. If the former Chief of the Union Carbide of India had any idea of the Government's powers, he would have certainly taken serious decision on it. The Supreme Court had delivered a judgment and thereafter another judge provided relief to them. Now instead of acting in a responsible manner towards that person, why another appeal has been made? Today, you will definitely find people opposed to the verdict in every alley and bylane of Bhopal, who are victims of the Bhopal gas tragedy, who are suffering to this date, who have lost their families, their children, who have lost their eyes and who are giving birth to deformed children. Therefore, the main culprits should be arrested and action should be taken against them under the provisions envisaged in the Private Member's Resolution. We should certainly provide justice to the people whose families have been ruined, who are born blind. This will enhance India's image in the eyes of the international community, otherwise if we allow the American millionaire to go scot free, our image will be spoiled.

Madam Chairperson, therefore, I would like to congratulate the hon. Member for bringing forward this Resolution and sincerely hope that the Government will take serious note of it. Further, if the hon. Minister takes action against the guilty, then a sense of confidence will be instilled in the minds of the people of this country that the guilty, however powerful and influential he may be, will definitely be punished. Cuba has given an ultimatum to the Americans to immediately hand over the two culprits involved in the plane crash, that took place eight years ago. Similarly, we too should take

a firm decision and make an announcement today itself so that the people may get relief.

[English]

**SHRI PRATAP SINGH (Banka)** Madam Chairman, I rise in support of this Resolution moved by my esteemed colleague, Shri Mishra. I wish I could have said that it is a timely Resolution. But nevertheless, the importance of this Resolution is not reduced because the entire matter of the sufferings of these people who are affected by the tragedy at Bhopal is still a live issue with us today which has been unresolved for so many years.

I will not dwell on too much detail about the chronology of these events. But I am saddened to see that even till date we find that they still are resorting to agitations here in Delhi at Boat Club seven years after they were struck by this sad accident or tragedy. It would have been an interesting exercise, I would imagine, to try and see how much has been spent of Government funds in trying to assess how much compensation should be paid to these people. The machinery of Government which has been involved in trying to enquire and to find out as to what is a just payment for a human life or a human life which is going to be incapacitated for a long time to come, I would probably feel that we have spent far too much time and money in coming to this conclusion which if it had been given in time immediately as relief to these people would have been far better. We might have made mistakes. A few persons would have slipped through the neck who did not deserve to be compensated. But that would have been far better than delaying justice to these people for so long. I seriously think that we should now set about the process of thinking and finding out tragedies such as these of lesser magnitude and perhaps, even greater one, that may hit us from time to time. We must realise and it is not a very impossible task to come to an understanding as to what is the proper compensation for a human life which is lost. What should be the proper compensation for a person who has lost his limbs or lost his

ability to earn in a proper way and proper salary? I feel that every Government has tried its best to compensate these people and to bring the guilty to justice. But unfortunately, as my esteemed colleague, Shri Panigrahi was saying, justice was delayed and therefore, justice denied.

I do not wish to add too much to all this because all my colleagues who have spoken before me have given you the full details of the facts. But it is a saddening thought that the person who is accused with the prime responsibility in this tragedy, Mr. Anderson, was first of all, able to slip through this country without too much effort and even with certain amount of assistance from the Governments concerned.

I am not casting any aspersions because at that time, there was no way of saying that he was a criminal. But having now found that such a person was responsible for this tragedy, I think we should take a very firm stand, as my colleague, Shri Mishra had suggested and we should ask for the extradition of this individual and try our best and put the maximum pressure on the United States Government to see that this man is brought to book in this country of ours. And he must face a trial and that particular company Union Carbide Corporation should be asked to compensate adequately and properly for their misdeeds here. As was suggested, their assets here should be frozen, by any method by which we can take something out of these people. It is a worthwhile exercise. One of my good friends, mentioned earlier that they are trying some kind of wangling outside by passing over certain interests to some solicitor or to some firm. So we must be aware of this UCC is still an existing company within this country and very much within your control. There is no reason why we cannot, at this point of time, bring them to their knees and force them to compensate those people who were tragically hit by the incident in Bhopal.

With these words, Madam Chairman, I conclude my speech and thank you for the opportunity that you have given to me.

[Translation]

SHRI SURYA NARAYAN YADAV (Sahasra) Madam Chairperson, the case pertaining to the Bhopal Gas Tragedy has been pending for almost a decade now. When this tragedy took place, I was a legislator of the Bihar Assembly. I very vividly remember that when this tragedy took place, the Central Government of the time made several announcements regarding provision of relief to the gas affected employees and steps to check the environmental pollution caused by the disaster. Later on, I was elected to the Parliament.

When this accident took place, I myself visited the site and saw the plight of the local people there. I have my doubts on this Government as well. Why is it so because while on the one hand the number of unemployed is increasing by leaps and bounds, on the other, the conditions of the employees working in gas and petroleum units, whether it be the one at Bhopal or Government undertakings like Bokaro Steel Plant, Assam refinery, Sindri fertilizers etc., in the aftermath of such tragedies becomes pitiable. To add insult to injury, the Government doesn't fulfil promises given a decade back and this obviously has resulted in apprehensions in the minds of the people and a striking example in this regard is that while today we are discussing the problems of the gas affected people, our hon. Minister is too busy in chatting with others. He is not even aware as to who is speaking. Please try to make him understand the seriousness of the situation.

Moreover, in this country courts have come to be ridiculed. The courts had said in their judgments that the Government should make immediate arrangements for the payment of compensation. God forbid, but if the hon. Minister or the Prime Minister had become victims of such a tragedy, then what would have happened? There cannot be anything more unfortunate if a Government employee is involved in an accident and he is not adequately compensated. A number of excuses could be put forward that there is shortage of funds, that some compensation

has been given, and that priority in recruitment to Government jobs is given to the wards of the victims, but these won't serve any purpose. The question is whether the Government has made adequate provision to meet the basic requirements of the people. On the country as per the agreement with the U.S.A., the accused was brought to India and within 5-6 hours, he was sent back. This is where the fault, the defect, the demerit lies.

Therefore, to have long discussions on it doesn't carry much significance. The question is whether the Government has implemented the court's directive with regard to the gas affected people, who have lost their lives, who have become handicapped and whose studies have come to a standstill. Here also, we are told that under the rules, this particular issue cannot be discussed, nothing could be said about the President, but why are the rules not being observed in this case? The Supreme court had given a verdict in this regard. Why don't you want to implement it? What is the difficulty?

Therefore, I urge you to provide full relief to the gas-affected people on humanitarian grounds. Please make arrangements for providing a decent means of livelihood to the families of the gas-affected and also provide adequate compensation to them.

One should not forget that there was a possibility of a similar accident in Bokaro Steel Plant, when a pipe leaked, but it was detected in the nick of the time and an accident averted. Had it not been prevented, then the victims and the affected people would have faced the same fate of the Bhopal victims, who have been running from pillar to post for the past 10 years. Why are you bent upon demoralising your own people? This is not a good thing. Therefore, it is my humble submission to the hon. Minister that being our own citizens, we should sympathetically consider their case and in conformity with the court verdict, the Government should make maximum arrangements to provide relief and compensation to them. I would also like to add a word of caution here. If proper arrangements are not made for the gas

affected people, then the people of urban areas including those working in factories, if not those of the villages may resort to rebellion if there is reoccurrence of such an incident at any other place. Therefore, the Government should remove these apprehensions from the minds of the people and provide them relief.

Madam, I thank you for providing me with an opportunity to speak. As it is a matter concerning grief-stricken families, the Government should give it a serious thought and implement the court verdict.

[English]

MR. CHAIRMAN: The time for this discussion is already over and therefore it has to be extended. I would put it before the House that the time for the discussion of this Resolution be extended by one hour.

SOME HON. MEMBERS: Yes.

MR. CHAIRMAN: Thank you. The time for this discussion is extended by one hour. Shri Sudarsan Raychaudhuri.

SHRI SUDARSAN RAYCHAUDHURI (Serampore): Madam Chairman, Bhopal Gas tragedy has been caused by a multi-national corporation. We must draw certain lessons from this tragedy. What is pertinent these days, is our attitude towards the multi-national corporations. The new economic policy and the new industrial policy of this Government, in fact, have thrown our country open to the foreign multi-nationals.

We have our experience with Pepsi, a multi-national company. Does it abide by the contractual obligations? In today's newspaper, there is a report which says that at every stage, Pepsi has been flouting all the obligations and our Food Processing Ministry are at sea. When Pepsi came here, they have told that their objective was to initiate horticultural revolution in Punjab. This has been proved to be nothing but a pug-wash. When the Union Carbide came to India, similar tall promises were made that it would help us in achieving self-reliance in chemical

industry. But, what we got was this tragedy.

What are the experiences of the Third World countries with these multi-national corporations which were now invited now with open hands? Apart from the fact that they come here with obsolete technology, pollutant technology which would not have been permitted in the countries of their origin, we can recall what Lawrence Summers, the Chief Economist of World Bank has said. He said that the dirty industries should go to the South.

Apart from these, these multi-nationals come with some other ulterior motives and many of them indulge in destabilising them.

You can remember the Pepsi's role in Chile and if actions are taken against them, the real actors behind them, the imperialist power behind them, becomes active.

We know the fate of Chile when Salvador Allende nationalised two foreign companies Anaconda and Kennecott. We know the fate of Mossadegh's Government when they nationalised Anglo-Iranian Oil Company in Iran. We know the fate of Arbenz Government in Guatemala when they nationalised the United Food Company owned by the United States.

18.00 hrs.

So, one lesson should be drawn from Bhopal. We should be aware of multinational corporations. The tragedy took place in December, 1984. Forty-two tonne MIC gas leaked from one of the tanks of the UCC. About eight thousand people died. A survey report of Willy Science Forum says that even till today, every day at least one person dies as a consequence of that gas leak. According to an official report, 2.5 lakh people have become ill during the last seven years. Eighteen thousand have become permanently disabled. Those who survived among them, many have lost their immunity system.

On the matter of compensation, legal battle is going on. Meanwhile people are

[Sh. Sudarsan Ray Chadhuri]

suffering. As you know, the Government is paying Rs. 200 per month per head as relief. People have to stand in queue for more than twelve hours to receive this dose. From the beginning of the case, Union Carbide sought to distance itself from its Indian division. Instead of accepting even a degree of responsibility, this is patently wrong.

I would like to ask several questions. Is it not a fact that the key personnel's training of the Bhopal factory was done in the United States itself? Is it not a fact that the main safety audit of the Bhopal plant was done in 1982 by the Ford Foutaim of Danbury and it located ten major safety flaws which were ignored? Is it not a fact that the design plan for three critical systems that failed gas tower, flare tower and the water sprays systems came from the parent company.

The technical manuals for Bhopal were based on original documents issued by the UCC. So, the Union Carbide cannot deny its responsibility. The Union Carbide chief Warren Anderson cannot be left scot-free.

Today's Times of India has come out with a report that at Bhopal chief Judicial magistrate's court, UCC counsel declared that UCC would not appear before the Indian courts. It has lost faith in Government of India. This reminds me of a similar loss of faith in one State's judicial systems by another State. We may refer the case of Libya where in the United States it has declared that it has no faith in the Libyan judiciary. And that is why two persons, whom they are accusing are culprits for that local air crash. They must be handed over to the United States and detained. We know that no amount of compensation would be adequate. But Warren Anderson must be extradited. There is one Indo-American extradition treaty. So, we can legitimately demand that Anderson should come here to face criminal proceedings. The Indian law provides for attachment of property for non-appearance in the court and the CBI, we learn, has moved an application for the attachment of the UCC property in India. It would be in contravention of the spirit of law

if the UCC sells their shares. Now Union Carbide is trying to sell their shares in the UCIL. This should not be allowed to be sold. Moreover, Union Carbide Karamchhari Sangh has also moved a petition in the Supreme Court. It has issued notices to UCC and others directing them to file their reply. Under the circumstances, I urge upon the Central Government to see that the UCC should not be allowed to sell its assets in UCIL until the criminal cases pending in the Bhopal court and the Supreme Court are disposed of.

Madam, regarding the hospital, the UCC should provide necessary funds for the construction of hospitals. We should not allow them to escape from appearing in the court by selling the property in the guise of raising funds for the hospital.

Lastly, I would like to request one more thing. The Government of India can easily move the United Nations and even the Security Council. We have seen how the Security Council has invoked the sanction against Libya for their failure to extradite the two alleged criminals of Lockerbie bombing. Chapter 7 has been invoked by the Security Council. Chapter 7 is invoked only when there is breach of peace, threat to peace or an act of aggression. We know the Libyan case. It does not account to breach of peace, threat to peace or an act of aggression. In spite of that, at the behest of the United States, the security Council has taken this decision not to invoke Chapter 6 which asks for negotiations with Pacific nations but invocation of Chapter 7. So, we can ask the Security Council and the UN that if Chapter 7 can be invoked against Libya for its failure to extradite the two Libyans to the United States or Britain, is it possible for the United Nations to invoke Chapter 7 in a similar way against the US, if it fails to extradite Warren Anderson to India?

Thank you Madam.

**PROF. SUSANTA CHAKRABORTY**  
(Howrah): Madam Chairperson, more than seven years have passed since the Bhopal gas leakage tragedy. Now, it should be seen in the background of the role of the

multinationals in the third world countries. We all know that the multinationals invest in the third world countries not in the interest of the development of the economy of those countries. It is also found that in the development process that they believe, they export all the tads and ills that are there in their technology or functions, Bhopal gas tragedy is only one of the examples of such type of actions adopted by the multinationals.

Seven years ago, on 2-3 December, 1984, we knew that due to gas leakage in Bhopal, several thousands of Indians had to die and the survivors who are still there bear marks of the sufferings. The scientists are of the opinion that the survivors may never regain their vitality or power that they had. Now, Madam, the entire matter is in the court. The Supreme Court came out with the judgment that a sum of 470 million US dollars be paid as compensation to those who have suffered due to the gas leakage tragedy. It ordered the Union Carbide Corporation of America to deposit the amount with the Register of the Supreme Court. Now, we cannot question the judgment of the Supreme Court. The hands of law are very long. Still, fierce rivalry in this field are of the opinion that the Supreme Court's decision has extinguished the criminal law in India. As compared to the Government of India's claim of three billion dollars, the sum of only 470 million dollars as compensation, is a miserable pittance. The general feeling is that the Union Carbide Corporation has got away very cheaply for an accident that claimed nearly 4, 000 lives so far, maimed several thousands for their life, and inflicted a psychological traum on lakhs of people.

Madam, before this claim was settled in Supreme Court, the Bhopal court had passed a judgment. The Judicial Magistrate of Bhopal District Court pronounced on 9 February 1989 that Mr. Anderson should be placed before the High Court. He is absconding. Madam, the fact of the matter is that the criminal case that was launched by the CBI was never withdrawm. The UCC however challenged the authority of the Indian Court and stated that Mr. Anderson could not be lodged in India.

The proclamation that was made in the Bhopal Court's Judgment was very significant. It says that Mr. Anderson has committed the offense of culpable homicide amounting to murder, voluntarily causing grievous injuries by weapons or other means and commissioning of such offences with criminal intention, knowledge, etc, punishable under Sections 204, 326, 429 and 35 of the Indian Penal Code 1860.

Now, I know that it is very difficult to extradite Mr. Anderson. But the Government of India has certain responsibilities. The matter should be taken up with the United States or the officials of the UCC based in India would have to face the music. If action on these lines is not taken, it will go to prove that we in India are in such a position where we have to accept the dictates of the United States of America whether it be in the field of economics or whether it be in the social or other fields. Madam, we must come out of this sort of a situation. It does not add to our prestige. So, before I finish my speech, I would again request the Government of India to see that the survivors of the Bhopal gas leak tragedy are treated humanely. The decision of the Union Carbide Corporation with regard to the proposed hospital should be implemented. We should see to it that they cannot block the money by setting up a trust in the name of a hospital. In this way, they are only trying to evade their responsibility. They just thought it wise to make the people bear the brunt of this gas leak tragedy. Again, I would request the Government to wake up the situation and deal with the case accordingly.

18.15 hrs.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

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[English]

MR. CHAIRMAN: Now, we go back to the Calling Attention Motion and I would request Shri Rupehand Pal to complete his speech.