

one State and the same tribe not getting the same status in some other State.

With these words I support the spirit of this Bill. In order to remove this discrimination, I had submitted the disapproval notice so that all the communities in various States get equal status. Unfortunately, no discussion could be held on this Bill during the last 3 days due to unavoidable reasons. In spite of that you were kind enough to give me an opportunity to speak on this Bill for which I thank you.

DISCUSSION RE. REPORTED
NEGOTIATIONS BETWEEN THE
GOVERNMENT OF INDIA AND
THE UNION CARBIDE COR-
PORATION FOR OUT-OF-COURT
SETTLEMENT IN REGARD TO
PAYMENT OF COMPENSATION
TO VICTIMS OF BHOPAL GAS
TRAGEDY

16.00 hrs.

[English]

MR. CHAIRMAN : We will now take up Discussion under Rule 193. I call upon Shri I. Rama Rai to initiate the discussion.

SHRI I. RAMA RAI (Kasargod) : I rise to initiate the discussion under Rule 193 on the reported negotiations between the Government of India and the Union Carbide Corporation for an out-of-court settlement in regard to payment of compensation for the victims of Bhopal Gas tragedy.

The incident which occurred in the month of December, 1984, has shocked the entire world. Although the world's worst industrial disaster, even now, none can say for sure, not even the Government, as to how many have died and how many more will die. The matter was discussed in detail in Parliament on various occasions. Parliament has subsequently passed the Bhopal Gas Leak Act in 1985 and the Government has taken the full responsibility to sue the Company which caused the catastrophe in the court of law and also to provide relief and rehabilitation to the

victims during the pendency of the litigation.

Here, I want to point out that even though we have discussed many times the present situation is about the immediate result of the suit pending and the long lasting result after this particular suit. The immediate result is regarding the compensation matter. That I am going to touch first. Then the far-reaching effect and the far-reaching result is regarding the leadership which we are giving to the Third World countries which are looking at us for an example, how we have dealt with a multinational company.

Considering the inordinate delays in Indian courts and the number of suits pending here it is natural to have a settlement out of court for speedy relief so that immediate relief can be given to the victims. Probably this may be the reason why the talk of this reported negotiation crept in. I am saying that this is only a reported discussion. The original compensation amount was 3.3 billion dollars which the Government of India had demanded and an independent body, the Citizen's Council of Bhopal, estimated it to be 4.1 billion taking into account only the Indian standard of living and earning. By newspapers and magazines we demand that we are going to wind up the case. We are going to come to a settlement for 600 million dollars. By the amount, it is said that an injured person is going to get only Rs. 15,000 and a family of a deceased person, that is whose bread earner has died, will get slightly more. If we compare this to the recent incident, where compensation was awarded to the victims of the Air India plane crash in 1984, we find that the victims were paid Rs. 10 lakhs per head. How can we compare this compensation to the amount we are going to give for a family of those who died in this tragic incident ?

Of course, we all know that public memory is short and the anxiety and agitation in the minds of the people has gone down in these three years. Even though some relief works are taken by the Government no compensation amount has been paid so far, which has created sort of demoralisation among the victims.

[Shri I. Rama Rai]

You can recall the remarks of the Hon. Speaker who directed the Government to pursue on a war footing the case for providing compensation to the victims of Bhopal gas disaster. These remarks came after pointed criticism of the Bhopal gas disaster. He asked the Ministers to vigorously pursue the matter and ensure the payment of compensation to the kith and kin of the persons that were killed in the disaster and the 'living dead'—he referred so—because there are more than two lakhs of people who are permanently disabled due to this incident. Even though these remarks were made in July 1986 nothing has been done so far with regard to compensation.

My humble request to the Government is, if at all there is a move for negotiation, this has to be confined only to the interim relief between the Government and the Company till the final suit is disposed on merits.

As pointed out, the original demand of compensation was for \$ 3.3 billions and so far the Government was pressing what would be fair to the victims of the Bhopal Gas tragedy. Now, the emphasis is shifted to a settlement, if at all a settlement is going to come, that would mean fairness to all concerned, that is both the accused and the petitioner. If it is so, the very principle of this legal battle gets diluted. It is not only a case for compensation but involving a question of developing countries who always look at India for leadership. Also it is our burden, now to establish a legal doctrine regarding the liability of Multinational Enterprises. The developing countries are usually selected for setting up hazardous industries by the Multinational Enterprises. We know that no advanced country will permit to set up such industries in their country. Here is a test case of crucial importance for future guidance to the determination of compensation for similar mass disaster. Successful trial of the case will be an example of the first successful effort to hold the first World company legally liable for a disaster in a third world country on merits.

Madam Chairman, Trans National Corporations are at present everywhere in the world, especially in the third world countries. For the last four decades, TNCs could not be made answerable inspite of all the attempts by the Third World Governments including India at UN level. Here is a trial to show that a TNC could not get away with killing 2850 people and maiming over two lakhs and damaging the future generations of many families.

I am not going to drag my speech since I was just asked to set the ball rolling. Many eminent speakers are there to put the things in a better way so that the Government can take note of the public opinion. The Government can make out the public opinion from the speeches of veterans like Indrajit Gupta.

In short, we can say that an imperialist country committed crime against humanity in Hiroshima and Nagasaki. Here a multinational corporation has committed a crime in Bhopal. A special court has to be set up so that we can speed up the case and dispose the case as early as possible. A repetition of incidents of this type is detrimental to humanity. I once again request for speedy disposal of the suit and if at all the Government is coming for an out of court settlement, then the public opinion has to be mobilised. We have read in the yesterday's paper that responsible persons of Delhi have given a memorandum to the Prime Minister giving all the facts and other things.

While giving the relief to the victims, we have to see the quantum of relief and also the quantum of awakening, the quantum of the danger, the quantum of all future makingup towards this Multinational Corporation, especially in Third World countries. The ex-minister is also sitting here. I think he has given a categorical answer that this case will be handled in a best way, most speedily, effectively, equitably and to the best advantage of all claimants. I hope the present Minister will also take the case or the compromise in a similar spirit and do the needful and see that the affected people are relieved from their hardships.

SHRI BASUDEB ACHARIA (Bankura) :
The attempts of the Government of

India to have an out of court settlement for the Bhopal gas victims, were received with protest from percent of various walks of life. After a few days we will observe the third anniversary of Bhopal gas tragedy which is the greatest industrial genocide. But after three years the families of gas victims are yet to receive compensation. Yesterday, hundreds of women from Bhopal, some in burqa, assembled at the Boat Club protesting against Government's unilateral decision to have an out of court settlement for compensation for the Bhopal gas victims. Why is the Government in such a hurry? Is it because of the fact that when the third anniversary will come on 3rd December, the world press will rake up the issue once again? That is why, the Government of India is in such a hurry to have an out of court settlement.

Quite a number of times we have discussed the plight of Bhopal gas victims here in this House. We raised their problems but the Government of India had always shown callous attitude to their problems. Even after three years they could not extract interim relief for them what to speak of compensation.

The Government of India has assumed all responsibility for claiming compensation for Bhopal gas victims. This Bhopal Gas Victims Claims for Compensation Act was enacted in the year 1985. Now the Bhopal gas victims have no other alternative. The Government of India went to the United States of America to file a case there. What was the argument of the Government there when they went there to file the case for claiming compensation? The argument was that the Indian judicial system lack practical and procedural capacity to handle this case. But this argument was set aside by the Judge, John Kennen. What was his argument? His argument was that this litigation offers a developing nation an opportunity to vindicate the sufferings of its own people within the framework of legitimate legal system, and to deprive the Indian judiciary of this opportunity to stand tall before the world, and to revive the history of subservience and subjugation from which India has emerged. After spending huge sums of money on litigation in the United States of America, we lost

the case there. My hunch is that the case was not properly pursued in the United States of America and that is why the Government of India was defeated there and came back and filed the suit in the Bhopal District Court...*(Interruptions)*.

SHRI S. JAIPAL REDDY (Mahabnagar): Madam, this was to be originally discussed as a Calling Attention Motion, in which case the Members should have been provided with a note.

MR. CHAIRMAN: What is that you want to say, Mr. Reddy? He is not yielding. What am I to do?

SHRI S. JAIPAL REDDY: He is yielding.

SHRI BASUDEB ACHARIA: I am yielding, Madam.

MR. CHAIRMAN: Then please resume your seat. What are you saying?

SHRI S. JAIPAL REDDY: Madam, this question was to be discussed as a Calling Attention Motion, in which case the signatories should have been provided with a note. It has been converted into a discussion under rule 193 to enable Members to express their views, not to relieve the Government of the responsibility to provide a note. We are discussing in the air. We are compelled to assume and presume. Should not the Government circulate some note providing us the facts and figures? Some statement should have been there.

MR. CHAIRMAN: Under 193 discussion, you are supposed to speak. The Minister will hear and afterwards he will reply.

SHRI SURESH KURUP (Kottayam): Madam, it would have been helpful if the Government had informed the House as to what is the position of the negotiation that are going on.

SHRI S. JAIPAL REDDY: What exactly is the position? Are we to believe the reports and speak on that basis?

MR. CHAIRMAN : Mr. Jaipal Reddy, I would like to inform you that your Calling Attention has been converted into a discussion under rule 193. Under Rule 193, Members are supposed to speak.

SHRI S. JAIPAL REDDY : Please hear me, Madam. Ordinarily it was a Calling Attention Motion. In the Business Advisory Committee, it has been converted into a discussion under rule 193 on our demand. We welcome that. You are right that under Rule 193, the Government is not obliged to circulate a note. Since it was originally admitted as a Calling Attention Motion, Government must have got a note ready. We are discussing on the basis of assumption.

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO) : It was not admitted a Calling Attention Motion.

SHRI S. JAIPAL REDDY : It was admitted as a Calling Attention.

SHRI J. VENGAL RAO ; But afterwards it has been converted into a discussion under Rule 193...*(Interruption)*.

SHRI S. JAIPAL REDDY : Madam, are we to believe all the press reports and offer our reactions ? Would the Government clarify its position with regard to the basic items ?

MR. CHAIRMAN : Mr. Reddy, whatever has been discussed outside the House, I do not know. Now it has been converted into a discussion under Rule 193. Therefore, you have to speak and the Minister will give the reply. That is my ruling. Please resume your seat now.

SHRI S. JAIPAL REDDY : What is the Minister's reaction, Madam ?

MR. CHAIRMAN : He has already said and I have given my ruling. It has been converted into 193 discussion.

SHRI S. JAIPAL REDDY : What are the facts, we would like to know. Madam, I know the hon. Minister for too long. He is capable of giving very cryptic reply and get out of the whole damn thing.

MR. CHAIRMAN : I have given my ruling, Mr. Reddy. Let him speak and afterwards the Minister will reply.

SHRI BASUDEB ACHARIA : Madam, this decision of the Government for an out of the court settlement has definitely come as a setback to thousands of victims who expected adequate compensation, both financial and legal. This sudden decision of the Government for a quick settlement has also amounted to a reversal of its earlier commitment to pursue its claim for damages through legal process. Now the Government of India is agreeing to have a compensation that will be from \$ 300 million to \$ 600 million. It is because the Union Carbide Corporation have agreed to pay 300 million dollars. Now the Government of India want to have out-of-court settlement and the amount that will be paid by them will be between 300 to 600 million dollars. But the claim which was made by the Government of India, both in the United States of America and in Bhopal District Court was 3.3 billion dollars, which is the minimum compensation that can be claimed for the Bhopal Gas victims because of the extent of damage and the number of persons involved are so large. If the Government of India has now, agreed for out-of-court settlement for 600 million dollars as compensation. If this so, they could have agreed to this amount earlier also. Why did they not agree to this amount earlier ? Why did they file the case in the USA ? These poor victims had to wait for long years' They were not paid a single pie as compensation. Of course relief was given. But why interim relief, was not extracted from the Union Carbide Corporation ? It was also three years since the accident took place in Bhopal. They have waited for long three years and they can wait for no more year for higher compensation to be decided by the court. Now, this minimum of 600 million dollars would work out to Rs. 15,000 per family and that too this amount of compensation would be paid in 20 years in instalments. This amount of Rs. 15,000 will not even meet their medical expenses.

THE MINISTER OF INDUSTRY (SHRI J. VENGAL RAO) : I do not know who gave him all this wrong information.

SHRI BASUDEB ACHARIA : The minimum compensation which they claimed was 3.3 billion dollars.

SHRI S. JAIPAL REDDY : Madam, you are allowing a discussion. The whole issue is in the air and he says that the whole thing is wrong...*(Interruptions)*

SHRI BESUDEB ACHARIA : Now, the Government of India want to protect the interests of the Union Carbide Corporation. This was disclosed by a Senior Lawyer of the Government of India, Shri Vapa Sarathy. He said that Government wanted a settlement that would be fair to all parties concerned. Fair to all parties concerned—how all parties come into the picture? *(Interruptions)*. Now you are equating the poor victims, gas victims, with the Union Carbide Corporation. So long the Government wanted to protect the interests of gas victims. At least we were told like this in this House and the Prime Minister himself said that this Bhopal gas tragedy is inseparable from the payment of compensation and other matters. It is inseparable from India's image sentiment and self respect. So long the Government of India wanted to protect the interests, of gas victims as we were told in this House, but now you want to protect the interest of Union Carbide Corporation, who committed the greatest crime. Why Government wants to absolve the U.C.C. of its responsibility, whether it is the result of Government's recent initiative to improve relations with the United States of America like Defence cooperation and so on ?

Madam, I must say, this decision of the Government is really a political retreat from its earlier commitment to take on multinationals. This seriously compromises and undermines the victims' interests.

Madam, the Supreme Court of India appointed Committee with Scientists. Two members of this Committee, Dr. Anil Sad Gopal and Dr. Sujit Das, have pointed out that a fresh scientific evidence indicates persistence of toxins in the bodies of the victims, They have urged the Government of India to take into consideration this factor before arriving at a settlement. Madam, the compensation is really

important. No doubt payment of compensation, the amount to be paid, is important, but liability is not less important.

SHRI J. VENGAL RAO : Madam, with your permission I would give some information.

(Interruptions)

SHRI INDARJIT GUPTA (Basirhat) : At last a statement is coming now.

SHRI J. VENGAL RAO : No, not the statement.

Today the case is before the Bhopal District Court. Now we received a telephone call according to which they observed :

"Now that it is reported that no settlement has taken place so far, the court deem it fit to set down the case for hearing. The pending petition deserve to be decided in a time bound manner. The parties shall appear on 27th November 1987, for drawing up of a schedule for hearing in the pending petitions so that the case can be presented in an expeditious manner."

SHRI SAIFUDDIN CHOWDHARY (Katwa) : You have wasted so much time in this process. Why you want out of court settlement ?

SHRI J. VENGAL RAO : We have received it today only.

(Interruptions)

MR. CHAIRMAN : He is giving the latest information.

SHRI INDRAJIT GUPTA : That means you tried for out of court settlement. It is quite clear.

(Interruptions)

MR. CHAIRMAN : Mr. Acharia, please conclude. The time allotted for this is only two hours. There are many more Members who would like to participate. Please conclude.

SHRI BASUDEB ACHARIA : I am concluding. *(Interruptions)*.

The Government is very slow. The Government took three years. But even then, the Government could not extract anything from them. Not a single paisa was extracted from the Union Carbide Corporation as compensation.

SHRI S. JAIPAL REDDY : Did you understand the statement ? You want us to react...

MR. CHAIRMAN : He intervened and gave the latest information.

SHRI S. JAIPAL REDDY : The question whether the settlement was reached or not should be known to the Government.

MR. CHAIRMAN : He has not given any statement. He has given the information.

SHRI S. JAIPAL REDDY : The House need not be told through the court observation. It is ridiculous. There must be Government statement. Government should come forward with a statement.

MR. CHAIRMAN : It is just to help the Members he intervened.

SHRI S. JAIPAL REDDY : We do not need the observation of the court in regard to the position of the Government.

MR. CHAIRMAN : This is the information which has given to the House.

(Interruptions)

SHRI S. JAIPAL REDDY : The hon. Minister should not try to be too clever.

SHRI J. VENGAL RAO : I have given the correct information. I am not in the habit of giving false information.

SHRI S. JAIPAL REDDY : You did not pass right information, either.

MR. CHAIRMAN : He has not given the statement. He has given the information to the House.

(Interruptions)

MR. CHAIRMAN : Dr. Datta Samant, it is not like this. I have not asked you to talk. I have not allowed.

(Interruptions)

SHRI BASUDEB ACHARIA : I demand that the Government must try to extract interim compensation till the final compensation is paid and must try for expeditious decision in the court. These gas victims waited for three years but not a single paisa has been paid as compensation. The Government could not extract a single paisa from the Union Carbide Corporation. The Union Carbide Corporation which committed the greatest crime, the greatest industrial genocide should not be allowed to go scot-free. They should be punished and the gas victims should be immediately compensated. The Government should try to extract compensation from the Union Carbide Corporation.

MR. CHAIRMAN : Shri Vijay Kumar Yadav—not here.

Shri Zainul Basher.

[Translation]

SHRI ZAINUL BASHER (Ghaziपुर) : Mr. Speaker, Sir, the Bhopal Gas Tragedy is the worst industrial accident ever happened in the world. Thousands of people fell victims to this accident. More than 2000 people died and thousands were injured. Thousands of families were shattered. The most distressing part is that though more than three years have passed since the accident took place, the victims have not so far been paid any compensation. The case is shuffling between one court and the other and the efforts are confined to reaching an out of the court settlement. It is a matter of great distress. No compensation has been paid during the last three years. Doors of courts are being knocked. It appears that the Government is finding itself helpless as if it has no powers to do anything in this regard. In the first instance, the case was taken to U.S.A. for trial in their court. Lot of discussions took place on this subject at that time also. It was stated that the case was being transferred to U.S.A. where the Union Carbide had more assets and there were chances of getting more compensation there Madam

Chairman, I was not able to understand at that time also that why such a move was made when there was a law, a system and a judiciary in our country and instead of trying this case in our courts why it was being taken to U.S.A. But we had to remain content with the hope that the court of U.S.A. might provide more compensation to the poor gas victims. This satiated the doubts in the people's mind. But the court of U.S.A. did not respond. It took a lot of time and finally the case was transferred to Bhopal.

AN. HON. MEMBER : We returned insulted.

SHRI ZAINUL BASHER : The dispute arose in Bhopal for the reason that the District Magistrate said that it would be good thing if both the parties arrive at an out of the court mutual settlement. Perhaps the question of settlement was also being considered in U.S.A. It has been the effort of the Government to reach an out of the court settlement as it would have been far better had the gas victims got more relief under the settlement. I am of the view that the Government of India had clear intentions and it really wanted that help should be provided to the gas victims. All of us know that litigation in the courts is a time consuming process because appeals are made from court to court which takes a lot of time. But for how long will the gas victims of Bhopal wait ? A large number of them will die and compensation will be paid to the grand children of those victims who are survived by male heirs. The Government of India did nothing wrong by thinking of an out of court settlement. The question of arriving at an out of the court settlement was also discussed in the U.S.A., but nothing worth while was achieved. Thereafter 2 to 3 dates were fixed. Today the court has decided that sine no out of the court settlement could be reached, legal procedure of the case will take its own course. Nobody knows as to when the gas victims will be able to get compensation. The hon. Minister did not say whether the District Judge delivered any verdict with regard to providing interim relief. The gas victims must get some interim relief till such time a final decision is taken in the matter which might take a lot of time. They

should get relief to the extent whereby they could start their own work to stand on their feet or undertake any occupation to earn their livelihood.

While on the one hand, there is the question of some people who either died or injured or were affected by the leakage of gas at Bhopal, and on the other hand there is also the question of resettlement of those workers who have been rendered jobless due to closure of the factory. Out of them nobody has either so far been resettled or got any alternative job. Now the problem before the Government is how to resettle them. I would like to know from the Government as to how this work could be expedited. As a matter of fact, I am not an advocate or a legal expert. But this much I know that court proceedings take unduly long time. Now the case is being tried in the court of the District Judge, Bhopal. It is just possible that it might go to the High Court later and ultimately to the Supreme Court. Nothing can be said as to how much time it will take in the process. Does the Government have any such powers whereby it can constitute a special court and the decision of that court will be final without any scope of appeal ? Our hon. Member, Shri Indrajit Gupta is a labour leader. I would like that he may advise the Government about the action it could take in this regard. If the Government has no such legal powers, it may please be ascertained whether any such law can be enacted or not. As a matter of fact, there are large number of laws in our country. There are labour laws and there is provision to grant compensation to people dying in factory accidents, The mill owners are compelled to pay compensation in such cases. I would like that our legal experts should study the laws in depth and ascertain if the Government has any power to take compensation from the Union Carbide under these laws. If the Government enjoys any such powers, it may please be ensured that these powers are used. I do not understand as to why it became necessary to take the case to a civil court. I want that our effort should be to get more and more compensation within minimum time under the existing labour laws or civil laws. The people dying in railway accidents get compensation to the extent of

[Shri Zainul Basher]

Rs. 50,000 and people dying in air crashes get compensation in lakhs of Rupees. Workers or other personnel dying in factory accidents are also paid compensation. There is a provision of payment of compensation to contract labourers working at lofty places in the event of an injury. I want that similar the arrangements should be made by the Government for paying maximum compensation within minimum possible time to Bhopal gas victims. If the hon. Minister only says this much that the case is sub-judice and the Government cannot do anything till a decision is taken by the court, several years will pass and the gas victims will not be able to get any compensation in time. If this work is expedited, they could be resettled, they could engage themselves in some employment. This would help in their rehabilitation. This is so far as the suffering lot is concerned.

I would also like to know what Government proposes to do for those workers who have been rendered jobless because of the closure of Union Carbide factory? After all they too have a family for whom they have to earn bread. They should, therefore, be provided alternative employment. What steps are being taken in this direction? The House may be informed about it.

In the end, I would once again request the hon. Minister to expedite the matter of compensation—either through out-of-court settlement, court settlement or through any other means—and try to provide as much compensation as possible to sufferers at the earliest. I feel there lies the interest of most of the people.

[English]

MR. CHAIRMAN : Now that the Hon. Member Shri Ramashray Prasad Singh is not present, I will call Shri Madhav Reddi.

SHRI C. MADHAV REDDI (Adilabad) : Madam, without wasting the time of the House, I would like to directly come to the question of out of court settlement. While Mr. Jaipal Reddy was trying to say here was that we should have been given

full information so that the time of the House would not have been wasted. Just now, the Hon. Minister read out certain message from Bhopal that the district court has now said that since these parties have not come to compromise, we will proceed with the case. It is a very simple information. It has no significance because he has proceeded with the case. I am happy that hearing is going to take place continuously from 26th or so. But the point is that there was a talk of 'out of court settlement'. For the last one and a half months, negotiations between the Government of India and the Union Carbide were going on. I would like to know whether it is a fact or not.

Now, Madam, one reason is that the judge has suggested that. Naturally, a judge in a civil suit is going to suggest, "why don't you try to make a compromise?" This is a general observation which any court is going to make. Now what is the case here? It is not a simple case we are representing. The Government of India is representing over three lakhs of people. We have passed an Act here, the Bhopal Gas Leak Disaster Act in 1985 under which we had taken over the full powers to a single victim to go to the court separately. This is, you have completely monopolised fighting all the cases in civil court. This is a very serious matter. Now, negotiation, if you are going to start for out of court settlement, well, legally, you are certainly within your limits. Legally, you have got full rights because under Section 3 of the Act, you can negotiate with parties, you can reach out of court settlement, you can withdraw the cases and so on. But legally while you are correct, are you morally right? Can you take the risk? Can you take full responsibility of settling the cases of three lakhs of people and tell them that we have settled the case on your behalf and you have got the justice? Whatever justice you may get, maybe, according to you, it would not have been possible for you to get more compensation. Even then, how are you going to convince them? The blemish will remain for ever on Government of India that out of court settlement has been made without any regard to the actual requirements of victims. There is no question of your trying to make any out of court settlement. The observation of the judge does not

mean that tomorrow you are not going to make a settlement, not at all. Tomorrow certainly you would like to make a settlement if you think that it is possible and reasonable. You are likely to enter into an out-of-court settlement. I would like to know whether it is the intention of the Government and whether they have got the authorisation in whatever way. Has the Government published it in the official gazette inviting any objections to it from the victims giving a certain amount of time? On the contrary, there are reports that the people are objecting to it, people are agitating against it. People are sitting *dharnas* in Delhi, Bhopal and everywhere. The victims are telling from the house-tops that they don't want any out-of-court settlement. There is a *bandh* in Bhopal today and there was a *dharna* here yesterday.

My point is that there is no justification at all whatsoever for an out-of-court settlement in a situation of this type. Do you mean that you have got only the interest of the victims at heart? You want to settle the case because the judge has observed that since it is going to be delayed a lot of people who are the victims are suffering. They are not getting relief; no interim relief is given to them. So, the judge is anxious to see that there is some sort of an out-of-court settlement, a just settlement according to him, so that the compensation could be said to the victims. But who is responsible for the delay? Are you not responsible for the delay of one and a half years or almost two years? For six months you were going about in the courts of the United States. Then, when a direction came from the United States' Court judge that the case should be tried in India, you had to come back to India. For one and a half years you had been fighting for all the preliminary matters and ultimately all the preliminary objections had been over-ruled. Certainly in any litigation of this type, anybody would make a lot of objections which have to be sorted out by the Government. Everything has now been settled and today the court is in a position to proceed with the hearing of the actual case.

The second argument in favour of the out-of-court settlement is that, even if there

is a settlement, it is not going to be executed, it is very difficult to get it executed. You will have execution problems, even if a decree is given. You have claimed about 3.3 billion dollars, if that is correct. How are you going to get the decree executed because that much property is not there which is free from all incumbrances. Every industry will have properties; but all the properties have got some sort of a liability. That much property is not there in India, with the Union Carbide India Ltd. We are dealing with two companies, as a matter of fact. There is one company which is the principal company, the Union Carbide Corporation, USA. That is the main company. This has got its subsidiary in India which is called the Union Carbide India Ltd. Our claim, if I know it correctly, is against both because we have made both the companies parties to the suit. If that is so, the Indian company, i.e., the subsidiary company may not be having that much property in India and we have to go to the United States and get the decree executed. You may have difficulties in that. This is all the propaganda and publicity which is going on behalf of the Union Carbide that it is very difficult, we won't get anything and ultimately the people will suffer, so it is better if we have an out-of-court settlement. And we are believing it! We are coming under the influence of their propaganda and we are very anxious to settle it. I would like to know whether it is correct or not.

The real problem here is that when we have taken over the responsibility to represent the victims we have failed to do one thing, namely, give them the interim relief. I am sure you can make a claim for interim relief in the court although the court may or may not agree. I know even the Union Carbide will not agree to interim relief since their defence is that the accident was because of a sabotage. The workers have sabotaged and this is the reason why the accident took place. That is their defence. How will they give interim relief? But what about Government of India? When you have taken the responsibility it is your duty to provide relief in whatever shape you can.

SHRI J. VENGAL RAO : We have provided interim relief to the extent of Rs. 55 crores till today.

SHRI C. MADHAV REDDI : My point is whatever interim relief is to be given it is the responsibility of the Government of India because you have taken upon yourself the responsibility of representing them in the court and getting the compensation for them. If tomorrow you fail and do not get anything out of the suit in that case the exchequer has to pay. Suppose tomorrow you get an adequate compensation as you have been trying to get certainly the interim relief which you are going to give can be adjusted.

There are many reports during the last 2-3 months regarding the seriousness of the accident. I remember when this issue was discussed here we wanted the ICMR to undertake research to find out the gravity of the situation. The reasons for this and what is going to happen to the people who are victims of this tragedy. I understand that the condition of many victims is not improving at all. Those who have been hospitalised immediately after the accident they are still suffering. As a matter of fact their condition is deteriorating day by day. Why is it so? As a matter of fact there was research conducted by RRL, Bhopal and also the experts of the medical college and they found that there was something else. The condition of the victims is not improving. There is possibility that they may not live long. It may not be true but I would like to know what is the report of the ICMR whom we had asked to look into? Have you received any report of the ICMR regarding the Bhopal tragedy or not?

Another point I would like to make is that while an out of court settlement is talked about nobody mentions about the criminal liability. What happened to the CBI which was investigating? Has it woken from its long slumber or not? Are you going to give up that criminal investigation if you are going to have an out of court settlement? These are the questions which require certain clear answers and I would like the hon. Minister to reply to them.

SHRI VEERENDRA PATIL (Gulbarga) : Madam Chairman, Bhopal gas tragedy is the world's worst tragedy of the century, I think very shortly three years are going to be over because the tragedy occurred on 2-3 December, 1984. More than 2500 people died and more than 3 lakh people were affected. Some of them were crippled. They are partly disabled, permanently disabled. We don't have the details about the damages of this gas tragedy.

17.00 hrs.

Madam, Hon'ble Members are aware that in 1985, Government assumed the statutory powers to claim compensation on behalf of our victims. Accordingly, a case was filed in an American court. As per the directions of that court, the case was taken to Bhopal District Court where it is pending now. For the last 2-3 weeks, there have been reports in the Press about the negotiations that are going on between Government of India and the Union Carbide for a settlement about the compensation. We are reading and hearing the reactions of the people and also of the victims. I agree with the Hon'ble Members when they say that many eminent jurists, academicians, journalists, politicians and also the victims are against a negotiated settlement. But I want to submit at this stage that those who are for negotiated settlement and those who are against such a settlement, everyone has in mind the welfare of the people who have suffered because of this tragedy. Therefore, it is not fair on the part of any Member to attribute any motives or make any charges saying that those who are for a negotiated settlement, they are conniving with the company or selling away the interests.

SHRI C. MADHAV REDDI : Nobody said that.

SHRI VEERENDRA PATIL : Shri Basudeb Acharia has said it just now. I think, he said: Government wants to protect the interests of Union Carbide. That's why I should mention this point.

We hear that the damage that has been claimed and quantified is 3.3 billion dollars. I do not know. It is for the

Minister to tell us whether the quantification has been done scientifically and whether they are in a position to convince the court about the claim of \$ 3.3 billion. Naturally the court will ask them. What is the break-up? How you have claimed? Why you have claimed? Unless you convince the court—whether it is Indian court or an American Court—I don't think the judiciary is going to pronounce simply because you are demanding something. So, you have to convince the court.

The Bhopal Gas Leak Disaster (Processing of Claims) Bill, 1985 became an Act on 29th March 1985. In Section 9 of that Act, it is said that Government is going to frame a scheme. I don't know whether a scheme has been framed already. According to that scheme, the Government will register the claims. I do not know whether the Government has taken upon itself the responsibility of processing the claims. I want to know about it because a doubt is still lurking in my mind, that whether the Government is in a position to tell the Court as to because of this tragedy, how many people died, how many people suffered. How many people are still suffering and what about those who took birth immediately after the tragedy? what is the effect on those children? I do not know whether this work is done or not. I have my own doubts. It is for the Ministry to tell us whether the Government is not armed with all this material, simply telling the Court that they want 3.3 billion dollars as compensation and that they have taken the powers by the Parliament to claim the compensation. I don't think the judiciary is going to be convinced.

DR. DATTA SAMANT (Bombay South): The survey is not with the Government.

SHRI VEERENDRA PATIL: Whatever it is, it is for him to clarify.

SHRI J. VENGAL RAO: Nearly 5,25,000 people claimed as mentioned by my earnest colleague Mr. Patil. We have to prepare documentation for each person with X-ray and other equipments. Out on 5,25,000 claims, we have prepared documentation for only 7000. It will take another four years.

SHRI VEERENDRA PATIL: Madam, that is why I was very particular to get this information. As the hon. Minister was pleased to say that they have received claims from 5,25,000 people and whether those claims have been registered and out of those claims how many have been processed and what is the result of those processed. I am asking because I don't know whether the Government has claimed 3.35 billion dollars or it has not claimed anything or there is sufficient time for the Government to claim as a future date. It is for the Minister to tell us because the victims are claiming that they are entitled for 4.1 billion dollars. We do not have any official version from the beginning as to the quantity that has been claimed by them as compensation from the Union Carbide Corporation. We are only hearing and reading in the Press. I want to know whether the compensation has been quantified and after quantifying it whether the Government is in a position to justify the compensation that they have claimed, whether they are in a position to prove with the document and all evidences that is necessary to establish that compensation. When we ask the Court claiming compensation of 3.3 billion dollars, it only indicates the magnitude of the tragedy, and the worst suffering. Then, naturally, the Court will ask, if not the Court the other party, the defendant will ask you as to what is the amount that you have spent for providing relief to those people. What is the amount you have already spent or proposed to spend for the welfare of those people who have suffered? When there is a drought or flood, State Governments depend upon the Central Government for getting relief, for getting funds but they do not wait. They start spending money in the hope that one day or other they are going to get the money and the Central Government is going to reimburse.

Naturally, in this case also, we cannot take the claim, we cannot take a stand in the Court saying that we could not do anything, because we could not get any compensation. We cannot take that stand. Naturally, either the court or the defendants will ask you how much you have spent when you are claiming 3.3 billion dollars. I do not know, it is a guess work; you may not have spent more than Rs. 20

[Shri Veerendra Patil]

or Rs. 25 crores, although the tragedy occurred three years back.

17.11 hrs

[MR. DEPUTY SPEAKER *in the Chair*]

SHRI J VENGAL RAO : We have spent Rs. 55 crores.

SHRI VEERENDRA PATIL : Whatever it is, and we are claiming 3.3 billion dollars and I do not know whether it is going to come in one lot, or in instalments, in five years and in how many years. I do not know all that.

The hon. Members are aware of the fact that the Union Carbide in Bhopal is the subsidiary of the main company, the Union Carbide Company. And we need not have any doubts about our claim against that Company, because it is a subsidiary company of the main Company. The subsidiary company has got certain assets in India, but compared to the claim that we have made, the assets in India are very insignificant. These may not be for more than 40 to 50 million dollars. Naturally, whatever compensation we get either by settlement or through the court, I think, we have to go again to the United States for enforcing the decree. Nearly 90 to 95 per cent of the amount that we get has to come only from the United States. If the court decrees our suit and if they award 3.3 billion dollars by way of compensation these will be realised only if the company has got the assets. Whether the assets are there without encumbrances or with encumbrances is a different matter. I want to know whether the Government has taken any pains to assess or ascertain as to what are the assets of the main Company, not only in India but in the entire world. They are responsible to pay the compensation, but only if they have got assets, we can realise the amount.

DR. DATTA SAMANT : They have got assets worth 7551 million dollars. I have got their balance sheet, but they are reducing their assets. That is a dangerous sign.

SHRI VEERENDRA PATIL : I am only asking the Government whether they

have made any assessment in this regard and collected statistics about the assets of this company. If the Government is convinced that the Company has got sufficient assets, then there is no difficulty. Government can tell us and it will be a great relief not only to the victims, but the hon. Members sitting on both the sides, that whatever amount is decreed by the court, we are going to get. Otherwise, supposing if the assets are not there or if the assets are there but there liabilities also, then after deducting the encumbrances the assets may not be sufficient. I think, the company at the time can go to the court and declare insolvency. What will then happen? Not only that, in the meanwhile, because the case is going to take a lot of time, if they try to transfer the assets or if they try to create more liabilities then what is the remedy that you have sought from the court, so that during the pendency of the case in the court they should not try to create any complications with regard to the assets of the company, so that after the decree there would not be any difficulty at all in realising the amount? But again after getting decree we have to approach the American court for the enforcement. They can contest. I can say without any fear of contradiction that the Union Carbide Co. can create a lot of problems and complications. They have already taken a stand that this is not a case of negligence. This is not a case where design is defective. This is a case of sabotage. I do not know whether they will be successful in establishing it or not, that is a different matter. As the hon. Member sitting on my left said that the court case may drag on for years and here they might go up to the Supreme Court, then we have to go to the American court. There also we do not know at what stage the case is going to be decided finally. Here, the time factor is also important and you should not forget that. I am telling this because: although I am not a Labour Leader but I had an opportunity to work in the Labour Ministry for some time. Sir, there are so many labour laws where for redressal of the grievances of the workers several provisions have been made, for instance, conciliation, arbitration, adjudication and so many tribunals also. But our experience is that when the workers are aggrieved, they resort to strike; they go on strike. They used to

come to me when I was in charge of the Labour Ministry. I used to tell them, "Why do not you go to the tribunals with your demands, as all the tribunals are presided over by the judicial officers." You know, every time the Labour Leaders used to tell me, "Yes, you have provided all these organisations for giving us the relief but that relief we do not get in time. In tribunal a case will drag on for years and we do not have the patience. We want quick results. We get quick results only when we resort to strike." I quoted this incident so that you can imagine the plight of the Bhopal victims. They are not a few ; they are in lakhs.

DR. DATTA SAMANT : This is not a labour dispute. The victims here are not the labours.

SHRI VEERENDRA PATIL : Let me complete my argument. For the last 3 years what relief they have got. I think it is just a drop in the ocean.

AN HON. MEMBER : Not even that.

SHRI VEERENDRA PATIL : 2,500 people died. What about their dependents ? Their earning member has died and so life has become very costly for them. Lot of people have become disabled. They cannot move ; they cannot see. So, how they are making out their livelihood, we have to imagine that. So, what I would like to know is, whether the compensation that the company is going to offer is adequate or not ? We should seek justice only from the court and not outside the court. What is the stand of the Government ? We have to decide about it. Then we have to prepare ourselves to wait for another five or six years.

SHRI INDRAJIT GUPTA : What is your stand ? What are you in favour of ?

SHRI VEERENDRA PATIL : So far as outside the court negotiated settlement is concerned, I do not blame the Government because this proposal came from the judges. Judges took the initiative. Not only the judges here in Bhopal, but also judge in New York or somewhere in America mooted this very idea and suggested that we should try for settlement

outside the court. Hon. member Shri Indrajit Gupta wanted to know what my stand is. Before I spell out my stand, let me point out one thing. Yesterday, I was reading an article published in a very important daily written by a famous journalist. I am quoting him. He said, "Bhopal gas victims must not be made guinea-pigs in the judicial laboratory" Let us not fight out the case of the suffering people on party lines here. Let us try to unite and also see that adequate compensation is made available to those people. I am even prepared to go to the extent of saying that if Government of India has claimed 3.3 billion dollars by way of compensation, then at least 25 per cent of that money must immediately be set apart and it should be kept at the disposal of the Commissioner whom you appointed. This would straightway enable him to start the work on rehabilitation and providing relief to those people. Once the compensation is paid, Government can get the money reimbursed by deducting the amount from the compensation. Eminent jurists, the retired Chief Justice of the Supreme Court as well as many other retired judges are against settlement. They must be having valid reasons for this. Here it is a question of principles as well as money. If we can get both, it is well and good. But if we have to make a choice between principles and compensation, then I would prefer compensation, because it is in the interest of those people who are suffering. It is for their welfare and benefit.

The Minister announced just now that negotiations have failed. Maybe, the negotiations have failed over the quantity of compensation demanded by us. I know the mentality of that company because I had occasion to deal with this problem for a short period. They might have started with as low a figure as 300 or 400 million dollars. Our Government might have demanded much more and as a result, negotiations might have failed. Hon. members rightly asked the Government about their policy or attitude towards this problem. I feel that if the compensation is going to be adequate—reasonably adequate—then, it is better to prefer negotiated settlement. Even if the negotiations

[Shri Veerendra Patil]

have failed, that is not the end of it. I think negotiations can again be started after some time. I do not want that the door for negotiations be closed for ever. I do not agree with those hon. members who are not in favour of any negotiation at all and who say that whatever be the amount, even if it were a single pie, we should get it only through the court. I do not agree with this view.

SHRI SURESH KURUP : What about the criminal responsibility of the Union Carbide ?

DR. DATTA SAMANT : 2,500 people died. This fact is very important. Shall we withdraw everything from the courts ?

SHRI VEERENDRA PATIL : I did not say that. This is only with regard to negotiated settlement for compensation.

DR. DATTA SAMANT : What about fixing the criminal responsibility ? Who is responsible ?

SHRI VEERENDRA PATIL : If you want a reply, you must address that question to the Minister.

SHRI SURESH KURUP : What would have been your opinion if you were there ?

SHRI VEERENDRA PATIL : I do not wish to take much time of the House, Mr. Deputy, Speaker. I feel that this is the case where meticulous care has to be taken in order to establish the case and also the claims that we have put before the Court. I think, our officers would do the job and ultimately either outside the Court or from the Court the victims will get justice. And the Government, I hope, will be successful ultimately in getting justice to those who have suffered a lot in 1984.

SHRI INDRAJIT GUPTA (Basirhat) : Mr. Deputy Speaker, Sir, I do not intend at this late hour to repeat many of the arguments which the Members have already employed on this side of House to press the point of view that the Government would be ill-advised to go in for an out of Court settlement.

The information given to the House just now by the hon. Minister for Industry merely says that the Judge has reported that today the 18th of November, the two parties have not come before him with any agreement. The 18th November was the date which the Judge has fixed.

SHRI J. VENGAL RAO : He had directed the two parties...

SHRI INDRAJIT GUPTA : He has told that if they are able to come to a settlement, they must appear before him by the 18th of November. Today, he has reported that they have not so reported.

SHRI C. MADHAV REDDI : No. There is no direction from the Court.

SHRI J. VENGAL RAO : The court directed the two parties to try out of court settlement.

SHRI INDRAJIT GUPTA : No, Sir. It was reported to the Judge that the two parties are trying between themselves for an out of Court settlement, whereupon the Judge said, "All right, let them make their attempts. But in that case; 18th November is the last date upto which, I will wait. By 18th, they must come and report to me, if they have reached an agreement." Now the position is that no such agreement has been arrived at yet. Therefore the Judge has no alternative but to say that "I must now proceed with the hearing of the case." It is obvious. So, he has fixed the 27th of November as the next date. This does not at all mean that the Government has given up its attempts to reach an out of Court settlement because we do not know, the Minister does not tell us anything. Everybody here is complaining—on both sides of the House—that we do not know what the Government is upto. What they are trying to do ? What is the intention ? What is its effort ?

DR. DATTA SAMANT : After 11th December, 1987...

SHRI INDRAJIT GUPTA : What is 11th December ?

DR. DATTA SAMANT : When the Parliament Session comes to an end. They do not want you to criticise them.

SHRI INDRAJIT GUPTA : Obviously, anybody who has visited Bhopal after this tragedy took place and has gone around and seen things for himself does not need to be told over-and over again that these poor suffering people are badly in need—urgently in need—of immediate relief or compensation. To the ordinary poor man, whether it comes to him in the name of relief or in the name of compensation, I do not think it is very material. But he needs the means of sustenance. He needs medical attention. He needs some alternative employment for those people who have been thrown out of their jobs.

As you know, a vast majority of people who were affected were poor people. Because the gas leaking out of that factory blew in a certain direction; the wind took it in a certain direction where it has affected all the localities which are very congested slum areas and which are overwhelmingly inhabited by the very-very poor people. It also affected the Railway colonies which cannot be described as a slum area. I regret to say even the Railway employees—some 150 of them—who perished—who were killed—due to this poisonous gas in that colony during the late night when everybody was asleep on a cold winter night, at least when I visited that Railway Colony, I was told that, as far as Railway Ministry is concerned or Railway Board is concerned, they have not done anything for relief of those Railway employees.

I am not talking about the Station Master who died at his post in the railway station, who stuck to his post to the last minute, and managed to avert the worst collision between railway trains which would have taken place, if he had run away from his post. What recognition have we given to these people? I do not know. If we can impose special levies or taxes for the purpose of drought relief—I support it—for relief of victims of drought, could we not start a Fund for the victims of this gas disaster? Why can't Government think of some tax or some levy, the proceeds of which will be entirely spent for the relief of these poor people? We have not done anything. Three years have passed. So, what they mean now is this—of course, need an adequate or sum of money to give

them proper relief, while your case goes on in the court for compensation. But the point I want to make is that it is not only a question of financial assessment of the compensation due. That is one aspect, a very important aspect, no doubt. But another aspect is not being touched on. This is a test case before the whole world, before all the under-developed countries, the Third World countries of the world, as to whether a multi-national company which is operating from outside your country and which is responsible for creating what has been described in some foreign journals as a chemical Hiroshima in Bhopal, whether that company is to be held legally liable, or not. I suggest that until this company is held legally liable, you cannot decide the quantum of compensation. The question of compensation is linked with this liability. They are contesting their liability. They are saying that this company was not responsible for this. Sometimes they say it was due to sabotage; sometimes they say it was due to some negligence of the local management. Sometimes they say something else. They are trying to contest their own liability for this ghastly disaster.

I can tell you—you must be knowing better than me—about the determination which the Government of India showed up till now, till recently in pursuing this case, in rejecting the various offers which the Union Carbide has made several times offering out-of-court settlement—why were they rejected by you? You rejected them every time, because you were trying to stand firm on this principle...

**THE MINISTER OF INDUSTRY
(SHRI J. VENGAL RAO) :** Even today, our stand is that.

SHRI INDRAJIT GUPTA : The Third World countries are looking to India.

In the United Nations, for years and years—Mr Natwar Singh knows it—there have been attempts to formulate a proper code of conduct for these trans-national companies, specially when they operate in under-developed countries where they do not bother to observe safety standards or labour standards or anything. They do things which will not be tolerated in their

[Shri Indrajit Gupta]

own countries ; but because of conditions in countries like India, and even countries poorer than India, they get away with anything they like. That legal liability has to be fixed.

It is a test case for the entire under-developed world. If India now does something, motivated by various considerations such as those Mr. Veerendra Patil has mentioned here, what will happen ? I do not ascribe any motives to Mr. Patil ; but he has got some doubts in his mind, of various kinds which he has mentioned here: 'Have they got assets ; will be able to get that money ; what will happen if it goes on for years ?' and all that. If, because of such and similar arguments you decide to drop the cases—going in for out-of-court settlement means that the case is dropped—the question of pursuing the legal liability of this company is finished, gone. I say that India's self-respect and India's reputation in the non-aligned, Third World will go down. That is the point.

As Indians also, I think all of us have got self-respect, as Indians. These people cannot be allowed to behave in this way in this country : kill so many people ; nearly three thousand people have died while they were still asleep. I am not talking about all the livestock which perished, the cattle, the buffalos, goats and everything which were killed, and which died.

If you go to Bhopal and see the people there you will find that even now in the hospitals in Bhopal the people including children who were hospitalised at the time are still not discharged from hospitals, who cannot stand, who cannot walk, who cannot breathe and who cannot see. I think anybody who had not been to Bhopal will never be able to appreciate the full magnitude of what has happened. Therefore, apart from the question of compensation, even if you want to negotiate for a settlement, I say that you must strengthen your own bargaining position ; and that can only be strengthened once the legal liability of this company is established, which they are challenging. There is no pressure on them at the moment. On some day if he says 200 millions and I am willing, he will say,

all right ; if you shout a bit more they are willing to go up to 400 millions. Are we beggars asking charity from these people ? Once the legal liability is established, it is we who will be able to dictate terms to them. That is why, more than anything else, I am pleading with the government that they should not go along this path. I do not know why this has suddenly started ; previously, that was not the stand of our government. Why has this change come about ? now within a month and a half ? Is it because after the Prime Minister's visit to US ?

SHRI J. VENGAL RAO : That is not correct.

SHRI INDRAJIT GUPTA : I don't expect you to say that it is correct. But doubts arise in our mind.

PROF. MADHU DANDAVATE : He must go on record that it is not correct.

SHRI INDRAJIT GUPTA : Now it is all right. But is it just a coincidence that after some talks have started now with Reagan we are assured that certain things which we ourselves used to say here, we are now assured that it is not correct that CIA is operating in our country.

SHRI J. VENGAL RAO : In what way is this concerned with Bhopal ?

SHRI INDRAJIT GUPTA : It is concerned very much because what is there that has prevented Reagan and his friends from suggesting that you see it would not be advisable to pursue this case beyond a certain point.

SHRI J. VENGAL RAO : If you have got any doubt, please verify that from Gorbachev. (*Interruptions*)

SHRI INDRAJIT GUPTA : Why should I ? He has nothing to do with it. I would certainly like to verify it from the Prime Minister. Why should I go to him ?

PROF. MADHU DANDAVATE : He is under the impression that you are from USSR.

SHRI INDRAJIT GUPTA : It is already being stated here by some friends that this obligation is very much more on the government since we have passed that Act here and you have taken it upon yourself to be the sole representative of all the claimants ; nobody else is allowed to test any case ; you have taken it on yourself. This House has passed that Act. I don't blame you. The House has passed an Act that you are the sole custodian of the interest of those people who were in Bhopal. Then now who has authorised you to go for this out of court settlement ? You are talking about poor people suffering there. Yes, they are suffering. But they were also poor people who were at the Boat Club yesterday. So many thousands of Muslim women, some were wearing *burkhas* ; some were without *burkhas* but with bundles of their belongings, who had come here to demonstrate against out of court settlement. Today, there is a *bandh* in Bhopal. I think the Minister knows about it. The message which has come to him admits it that today there has been a *bandh* in Bhopal. Is the *bandh* in favour of out of court settlement or against it ?

SHRI J. VENGAL RAO : Now they came to know the truth.

SHRI INDRAJIT GUPTA : Who came to know the truth ?

SHRI J. VENGAL RAO : The people.

SHRI INDRAJIT GUPTA : We also not know what is the truth ?

SHRI BASUDEB ACHARIA : We also do not know what is the truth ? We are asking you to tell us the truth.

SHRI S. JAIPAL REDDY : We are also asking you to tell us the truth.

PROF. MADHU DANDAVATE : Have you issued any Whip ?

SHRI INDRAJIT GUPTA : We should not have any illusion in our mind about the intention of this company. There are well-known reputed journals like Wall Street Journal and the Washington Post. If you read in the Press you will find that they have reproduced many things that these papers have written about this case ;

and the Wall Street Journal, for example, says that the Union Carbide is prepared to settle for a figure provided the payments are stretched over 1 to 30 years ; even the money they are prepared to give will not be given in one go, in lumpsum ; they wanted to stretch it over a number of years. As it is, 600 million dollars is the figure round which the bargaining is going on, has been worked out that it will come in an average to Rs. 15,000 per head! Rs. 15,000 is going to save those people! That too stretched over a large number of years! The account given, according to the *Washington Post* is that Union Carbide wants all the charges dropped. That is what they are more interested in and they say that they will pay 650 million dollars provided it is spread over to seven to ten years. So, if you agree to compensation on such terms what will it actually mean for those people there ? How much will they get ?

Therefore, this is all a question of evading responsibility and it is the duty of the Indian Government, not on behalf only of the Bhopal victims, but on behalf of the millions and billions of people in this underdeveloped world whom we claim to represent and who are looking to us for fighting this case on the basis of a principle. It is our duty to see that we do not yield and do not surrender. We are saying all this because the Minister has not told us clearly what the Government is proposing to do. Are they going to try again for an out-of-court settlement or for dropping the idea ?

SHRI J. VENGAL RAO : Mr. Indrajit Gupta, there is no difference of opinion between you and me but unnecessarily do not politicise this issue.

PROF. MADHU DANDAVATE : He is de-stabilising the country !

SHRI INDRAJIT GUPTA : I believe that our lawyers, our Attorney General and the other people who are entrusted with the preparation of this case, have done—my information is—a good job. It is not as Mr. Patil said that they have not been able to do anything. Of course, it is a huge task, a voluminous task, no doubt.

SHRI VEERENDRA PATIL : I have never said that the officers have not done anything. I only wanted to know from the Government. He is unnecessarily putting all this into my mouth as if I am pleading the case of the Union Carbide. Just now the hon. Member asked "who has given you the power?" Parliament has given the power to compromise. You please look into this. In Section 3 it is said that, "the power of Central Government to represent a claimant", in that in part (b) is "enter into a compromise." Parliament has given the power to negotiate and compromise and now the hon. Member is saying "Who has authorised Government for a compromise" and all that. I only said, that I want to know, whether Govt. are in a position to establish the case, and what is the time required for all that. And I never pleaded the case of Union Carbide. Do not try to misinterpret the facts. I never tried to plead. I do not hold any brief for Union Carbide.

SHRI INDRAJIT GUPTA : What words did I put into your mouth?

SHRI VEERENDRA PATIL : You said that I pleaded this case and that case. I never pleaded the case of Union Carbide. I said, I know the mentality of the company, it is very clear.

SHRI INDRAJIT GUPTA : You know the mentality! I ask you, what is the mentality of the company?

SHRI VEERENDRA PATIL : The mentality of the company is to escape without giving any compensation.

SHRI INDRAJIT GUPTA : Good. Say that. That is what I am saying.

SHRI VEERENDRA PATIL : I am also saying the same thing. Simply because I asked for certain information, the inference by the hon. Member is that I am trying to defend the case of Union Carbide. It is very unfortunate.

SHRI INDRAJIT GUPTA : You may not defend. I said that, I do not ascribe any motives to you. But do not say things on the floor of the House that you or any other Member may say, which will only confuse that Magistrate in Bhopal now.

SHRI VEERENDRA PATIL : So, should I not ask the information from the Minister?

SHRI INDRAJIT GUPTA : Certainly. He should have made a statement before hand. (*Interruptions*) My final point is, my information is that our lawyers and the Attorney General and all of them have collected enough evidence and enough data to show that as a matter of fact no decisions were taken by the management of this Bhopal factory without the approval and knowledge of the parent company. All the questions of design, of the operation, of the maintenance, of the safety standard of the Bhopal unit were with the approval and the sanction of the parent company. Therefore, certainly they are liable. Now, the only thing I will say is, if this case goes on, some other unpleasant fall outs, incidental fall outs may come to light. Because the question will be asked for example, who in the first instance permitted this company to set up this factory, this hazardous chemical factory in the middle of a crowded locality in the city of Bhopal: the capital of Madhya Pradesh? Generally such factories are not permitted to be set up in the crowded localities. They are situated at some distance away from the crowded area. Who gave them the permission in the first place?

AN HON. MEMBER : Central Government.

SHRI INDRAJIT GUPTA : Any Government it may be. It should be brought to light also because I know the Corporation in Bhopal. It objected to it twice or thrice, but nobody has heeded to its objection. So, some other things will also come to light. It may guide us in future. When such type of plants are to be established in the country we should have guidelines which we have to follow. I may state that there may be some other people also not here in this House, who may be dropped as soon as possible so that other unpleasant things do not come to light. Therefore, now Mr. Vengal Rao, you have got an opportunity to clear up the whole matter and tell the House clearly whether today's message from the Bhopal should be taken by us as an indication that this out

of court settlement attempt which was being made is over or whether you intend to pursue it again. What is your intention? What do you propose to do? You kindly inform.

SHRI J VENGAL RAO : I gave the message today.

SHRI INDRAJIT GUPTA : There is nothing in it. It only says that there is no settlement. I am saying that I would not oppose a settlement provided it does not precede but follows the establishment of the legal liability of the Company. The whole situation is different in that case and your position will be much stronger. That is the point. You should not turn it around and put the cart before the horse and surrender your whole arguments, your bargaining strength and everything by agreeing to a out of court settlement without fixing the liability of the Company for the whole disaster. So, I hope he will clear up all these points when he replies.

MR. DEPUTY SPEAKER : I want to inform the House. Actually we decided to allot only two hours for this object. The Minister wants to leave now and also tomorrow he is not available. Therefore, he wants to reply now itself. If we take the time factor, he is ready to finish within the time permitted.

DR. DATTA SAMANT (Bombay South Central) : Today.

MR. DEPUTY-SPEAKER : Yes, today itself.

DR. DATTA SAMANT : We have given the notices long back and we are patiently waiting for it.

(Interruptions)

MR. DEPUTY-SPEAKER : Actually this subject was allotted for 'Calling Attention'. Because of the demand from the Members, we converted it to 193. You have already taken more than the time allotted for calling attention. What can I do? The Minister is ready to reply for that.

(Interruptions)

[Translation]

SHRI K.N. PRADHAN (Bhopal) : Mr. Deputy speaker, Sir, I am elected from Bhopal and this is a very important issue.

[English]

DR. DATTA SAMANT : Do not sidetrack the issue.

MR. DEPUTY-SPEAKER : I am not sidetracking the issue.

(Interruptions)

MR. DEPUTY-SPEAKER : One suggestion I can make. Put any clarification after the Minister replies.

(Interruptions)

SHRI SURESH KURUP (Kottayam) : It has been converted to 193 just because

(Interruptions)

SHRI S. JAIPAL REDDY (Mahbubnagar) : Sir, I sat down in favour of Shri Gupta. I want to learn from him and then speak on this subject.

MR. DEPUTY-SPEAKER : He had already covered all your points. Your master has already spoken. Why do you want to speak?

(Interruptions)

MR. DEPUTY-SPEAKER : How long can we extend.

DR. DATTA SAMANT : In the morning, calling attention went for three hours.

MR. DEPUTY-SPEAKER : Madam, the Minister wants to reply.

(Interruptions)

SHRI S. JAIPAL REDDY : Extend the time by two hours.

MR. DEPUTY-SPEAKER : Two hours I cannot.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRIMATI SHIELA DIKSHIT) : The Minister has said that he will be only able to reply on Monday.

DR. DATTA SAMANT : We will take it up on Monday.

SHRIMATI SHIELA DIKSHIT : We have to take into consideration the Business Advisory Committee's recommendation.

DR. DATTA SAMANT : It is a question of two days more. We can take it up on Monday.

SHRI J. VENGAL RAO : I can reply on Monday. I have no objection.

(Interruptions)

SHRI S. JAIPAL REDDY : Where are you going Mr. Minister ?

(Interruptions)

MR. DEPUTY SPEAKER : Two hours have been allotted for this and those two hours are over.

SHRI J. VENGAL RAO : I will not be available before Monday.

SHRI S. JAIPAL REDDY : We can discuss it upto 7 o'clock and the Minister may reply on Monday.

PROF. MADHU DANDAVATE: When all are agreed, let us put it on Monday so that more Members can speak on that day.

SHRIMATI SHIELA DIKSHIT : If the House agrees, I have no objection. We can continue on Monday.

[Translation]

SHRI K.N. PRADHAN (Bhopal) : Mr. Deputy Speaker, Sir, I have been elected from that unfortunate city which was struck by the worst tragedy in 1984. During the past three years, we tried to fight the cases for compensation in American courts but we did not succeed and the cases were transferred to the District Sessions Judge of Bhopal. It will be no exaggeration if we say that during the course of last three years we are back to square one in this respect. Here I want to draw the attention of the House to a particular thing. We should not treat it as a simple case of providing compensation to

victims. We should not think that because some people have died, some have been affected by gas, others have suffered financial loss, therefore, they should be given compensation. About two months back, when the idea of out-of-court settlement was not in the news, everybody—whether he was in Bhopal or Delhi, whether he belonged to any political party—was concerned about the court proceedings. Everybody apprehended that keeping in view our present judicial system, it may take ten, fifteen or even twenty years for court settlement, thereby depriving the poor gas victims of the timely compensation. Everybody was of the view that there were so many inter-related issues like—official valuation, the amount of compensation, the means through which it would be received, the treatment facilities for gas victims, the arrangements for improvement of environment—and it would have better had there been an out-of-court settlement.

So far as the 'Bhopal Bandh' is concerned, it is being observed not because the Government has decided for an out-of-court settlement but because undue publicity is being given to the fact that the amount of compensation likely to be received is negligible, and nobody would get anything substantial. The people apprehend that the Government will arrive at a settlement on low terms and thereby deprive the gas victims of substantial relief compensation. The entire city is protesting against this. They are not against an out-of-court settlement.

I would like to cite an example. The Government has granted an ex-gratia payment of Rs. 10,000 per head to the next of kin of the deceased. Over 2800 more people are to get this amount. The Government also decided to grant Rs. 1500 as relief to the weaker sections whose income is below Rs. 500 per month. I had talks with many people in this regard and I told them that when compensation is decided, they will be the losers. I told them that whenever compensation is decided, the economic condition of the people who died and those who were otherwise affected, is taken into consideration. But everybody felt that something was better than nothing. They thought that a bird in hand was worth two in the bush. They apprehended

that if their case was filed in the court, it might take several years before a settlement was reached and nobody knew when they would get the compensation. You will be surprised to know that out of 1.3 or 1.4 lakh affected families, about 84,000 families have claimed Rs. 1500 as relief by showing their income below Rs. 500. It is, therefore, evident that the people are anxious and agitated. It is true that the Government has helped a lot, but some political parties are making political capital out of it by creating resentment among the masses. Being the representative of the people of Bhopal, I would like to thank the Prime Minister, Shri Rajiv Gandhi for reaching Bhopal on the very first day and giving much needed succour to the gas victims, whereas the opposition Members, who shed crocodile tears, did not go there and went ahead with their election campaign. I would like to submit that the scientists, the jurists and other experts may analyse the situation in whichever way they like, but unless we evaluate the loss of life and property, we shall not be able to get proper compensation. For that, we shall have to study the factual position.

So far as relief is concerned, the next of kin of the deceased is getting Rs. 10,000. 84,000 families have been given Rs. 1500 as relief. Under the step-up plan, thousands have been provided employment. Work-sheds have been constructed and people are provided work. *Bahwadis* and *Anganwadis* are coming up in the city wherein pregnant women and the women having children are provided milk and bread in order to protect their health. About Rs. 8 crores have been spent on environment improvement in Bhopal. One-third of the affected area has been provided with good roads, water drainage system and electric supply. Work is in progress in half of the affected area. I am hopeful that the Government will put in more efforts and remove the shortcomings. Similarly, we shall have to present the factual position so far as the question of getting compensation is concerned.

18.00 hrs.

Shri Indrajit Gupta has said that criminal liability should be fixed first.

Why so? I would like to submit that it may appear good in principle and by saying so we can present ourselves very well in international politics, but a poor man of Bhopal will not agree to it. He will say that so far as the question of fixing criminal liability or civil liability is concerned, he will not mind if these liabilities are not fixed but he must get compensation as early as possible. Why a way-out cannot be found in this regard? But one thing that has to be kept in mind is that this can be done only when the matter of compensation is taken up.

This is a fact that 2850 persons have been killed. These are official figures. I am the Chairman of the Committee which deals with their applications. I cannot say whether the death toll as shown in these figures is accurate. But there are many families which have been completely wiped out. There are some persons who have been reported missing. Yet there are others who have no heir. Some people have left for Uttar Pradesh and some other have gone to distant places in Madhya Pradesh. Nobody knows about those who were killed.

Similarly, thousands of people are suffering from different diseases even today. The most dangerous thing is that the hearts or other organs of the body of almost all who are living there are affected. Their efficiency has been reduced in the proportion of the volume of gas that they have inhaled. There are people whose resistance power has been lost. You can get it verified by the I.C.M.R. personnel or other scientists. For instance, if I have inhaled even a little quantity of gas, I shall surely die earlier than I was to die in the natural course. Nobody will live his full age in that city of Bhopal. This you take as certain.

The biggest problem is being faced by those who work on daily wages to earn their livelihood and are living in areas inhabited by the poor. Their efficiency has gone down. The work they need today should be such which women can do in order to earn two square meals for themselves and for their children. It is the women who pine for work there in Bhopal

[Shri K.N. Pradhan]

today, because they have to run their households. Their naked and hungry children weep before them because their fathers are not able to go to work. What is needed there is that more and more employment should be provided to the women. I would request the hon. Minister that he should arrange to provide them with sewing work from such Central Government departments which can provide such work. There are Muslim ladies and with the prevalence of *pardah* system, they cannot do each and every work, such as, sewing of clothes. The State Government wrote to the N.C.C. Department eight months back, but they did not care even to reply to the letter. A lot of relief can be provided to such women if they are imparted with some kind of training.

Now take the types of diseases the people are suffering from. In some cases the doctors say that they are suffering from TB. Honest among the doctors are of the opinion that the condition of those suffering from lung, heart and liver diseases has aggravated after the gas leakage tragedy. The inhalation of gas has further worsened their condition.

Sir, the people of Bhopal do not go for post mortum saying that why should they allow the body to be mouled. But there were people on whose body the post mortum was conducted. The women of that area who were not pregnant at the time of this tragedy but became pregnant six months or one year or one and half year after this accident were also affected. The post mortum conducted on the dead foetus of such women prove that they too have been affected by the gas leakage. While settling the compensation, we have to take into account not only those who have died or those who are suffering from diseases but also the future generation. Will they not be included in the murders? The babies were murdered before they were born and, as such, compensation should be fixed for them too...*(Interruptions)*

SHRI INDRAJIT GUPTA : You mean to say that liability should be dropped.

SHRI K.N. PRADHAN : My difference of opinion with you is that you want the liability to be fixed first.

SHRI INDRAJIT GUPTA : In that case you will not get higher compensation.

SHRI K.N. PRADHAN : I would like to tell Shri Indrajit Gupta that though he knows the actual position pretty well, yet he might be praising somebody else. Government does not mean the Prime Minister or a particular officer, but the Government as a whole. The Union Carbide has corrupted the people before this incident also and they continue to corrupt them even today. We know the extent to which the officers have tried to dilute this case of compensation. We have fought to wipe out this corruption. We have also said that we must be vigilant lest they should pocket the compensation themselves. I have challenged them. You can get it inquired into independently. I shall prove as to how many officers have tried to be dishonest in this regard. We must be vigilant lest the officers should pocket money from the Union Carbide thereby making the case weak. While settling the case of compensation, you should get the cooperation of the public also. The public opinion in favour of the Government should be respected. We shall have to find a way out for that. I do not want to cast aspersion on any officer, jurist or a doctor. But the misfortune is that some of the people in our country think that most of the officers can be bribed. We shall have to keep that weakness before us while deciding the matter. Lakhs of people are going to suffer on this account and the public opinion too is likely to go against. It will be the people who are to suffer. Therefore, you should make such an arrangement that representative of the public should be associated in settling the case of compensation and public opinion too should be taken into account. We want that the people should not be entangled in litigation for 15 to 20 years. They should be paid compensation as early possible because it will be in their own interest. A misgiving has gone into minds of the public that something is being settled secretly. Kindly dispel this feeling from their minds. With these words conclude.

18.08 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, November 19, 1987/Kartika 28, 1909 (Saka).