

purposeful discussion and again I should say that I am advocating the cause of the Ministry of Shipping and Transport for more allocation of funds for this sector by the Planning Commission. Thank you.

[Translation]

SHRI GIRDHARI LAL VYAS : The hon. Minister should tell us whether he would implement our suggestions or not ?

SHRI Z.R. ANSARI : Why shall we not do so when you are pleading our cause ?

13.41 hrs.

STATUTORY RESOLUTION RE : DIS-
APPROVAL OF BHOPAL GAS LEAK
DISASTER (PROCESSING OF
CLAIMS) ORDINANCE
AND
BHOPAL GAS LEAK DISASTER
(PROCESSING OF CLAIMS)
BILL

[English]

MR. CHAIRMAN : Now, the House will take up items No. 10 and 11 of the List of Business together for which three hours have been allotted. Now, Mr. C. Janga Reddy to move his Statutory Resolution.

SHRI C. JANGA REDDY (Hanamkonda) : I beg to move :

“This House disapproves of the Bhopal Gas Leak Disaster (Processing of Claims) Ordinance, 1985 (Ordinance No. 1 of 1985) promulgated by the President on the 20th February, 1985.”

[Translation]

SHRI C. JANGA REDDY : Mr. Chairman, Sir, the Bill, as passed by Rajya Sabha, seeks to authorise the Central Government to fight cases in courts on behalf of the victims of the Bhopal Gas Tragedy.

There are two or three clauses about which it has not been made clear why they have been included in the Bill.

In the Statement of Objects and Reasons it has been stated that—

[English]

“Government has been anxious to ensure that the interests of the victims of the disaster are fully protected and that the claims for compensation or damages for loss of life or personal injuries or in respect of other matters arising out of or connected with the disaster are processed speedily, effectively, equitably and to the best advantage of the claimants.”

[Translation]

Government want to file claims in the law court on behalf of the people who have been affected by the gas, have suffered personal injuries or have been lying sick, and to ensure expeditious payment of compensation to the victims.

I would like to submit that there are other multinationals also like this Company. We know what kind of people these Union Carbide owners are. They have their factories all over the world. In India also they have factories at different places. Only yesterday I came to know that in Delhi also similar things are happening in Sriram Fertilizers.

For the last two or three days Telugu papers have been publishing reports that there are similar factories near Hyderabad also and the people of the area are in the grip of fear on this account. The people all over India who are residing near factories of the type of Union Carbide, Bhopal, are quite apprehensive. From the Telugu papers it appears that another Bhopal-type incident is going to occur in Hyderabad.

Bharat Tobacco Company, Sriram Fertilizers, Delhi, Laxmi Star Factory, Golden Tobacco Company, Hyderabad, etc., are the factories in India which are

[Shri C. Janga Reddy]

jointly owned by Indians as well as multinationals.

Union Carbide has factories both in Bombay and Bhopal. In Bhopal many tonnes of chloride was in store whereas it was stated that there was only two tonnes of gas when this incident occurred on the 2nd and 3rd December. Had this incident occurred on the 14th, what would have been done then? Our Government propose to take over that factory instead of cancelling their licence. No guarantee is being given that such a gas tragedy will not recur. We should ensure at the time of giving licence or setting up of factories with foreign technology that no harm is likely to be caused thereby. Nothing has been mentioned in this Bill to that effect. We are told that the case should be filed in the American courts and American advocates should be consulted. We do not know what the American advocates have advised in this regard. The Cause of Action has taken place in Bhopal in India. How can we fight the case in America?

[English]

AN HON. MEMBER: It is there where the defendant resides.

SHRI C. JANGA REDDY: But they should be prosecuted here.

[Translation]

You say that we can claim compensation from America but in America people are making fun of us. In India and outside, it is being said it is because American Courts will award more compensation that we are fighting our case there.

[English]

They say that Indian Government wants to file the suit in America, because the compensation awarded in America is more. Union Carbide people want to shift the cases here. We have been reading in the papers.

[Translation]

There have been news-items in the

papers that many people have died at several places because of this very reason. No foolproof provision has been made in this Bill about this. There are two aspects of this issue. The first is the monetary aspect, i.e., the payment of compensation to the victims. The second aspect is initiating criminal proceedings against the company in connection with the deaths that have taken place. Can you not make any provision in the law in this regard after consulting any advocate?

Now, the Central Government and the Madhya Pradesh Government are trying to shift the responsibility for having issued the licence to each other. Usually all the details should be examined at the time of issuing the licence. This aspect should also be examined namely, if an industry is closed down what the consequent losses will be. These things were not looked into by the Central Government and the Madhya Pradesh Government at the time of issuing the licence. It was, therefore, an offence to issue the licence to them. We know that this Company, instead of conducting research for manufacturing new drugs and insecticides, was manufacturing chemicals. This company was trying to cheat us in a very clever manner. We should have taken preventive measures. After seeing the victims of Bhopal Gas Tragedy we are reminded of the tragedy of Nagasaki when an atom bomb was dropped on it. As in Nagasaki, here too, the people have been dying of different ailments, like stomach ache, nose pain, etc. People have been afflicted with different diseases, and medicines are not available to cure them. In Bhopal, the patients are lying in front of hospitals. The Medical Board had recommended a drug named Sodio-thio-sulphate but that is not being used. Doctors are not prescribing that medicine. The patients are, therefore, in difficulty. We should have been informed by the Government of what is being done to provide that medicine. What is going to be the fate of this company? The poisonous material is still lying there. 90 tonnes of chlorine is still lying there. We shall have to think about that.

In this Bill, there is no mention about

the setting up of special Courts. Thousands of people have died there. Dead bodies were found in paddy fields, wheat fields, trains and in buses. Attorneys and advocates from America went there and secured Power of Attorney from the people. What did you do to stop them from doing so? When foreigners were doing such things you should have told the people that there was no need to do that because Government themselves would take up their case. Certain cases of this nature are being heard in American courts. You should have told us about the steps proposed to be taken by you. Special courts should be set up for this purpose and claims filed in India. These courts should be in Madhya Pradesh and High Court Judges should be appointed for the purpose. There should be a provision for appeal to the Supreme Court. It is not proper to go to America for filing the suits with the expectation that more compensation would be awarded by them. Special Courts should be constituted for this purpose. There is no provision to this effect in the Bill. Such incidents can occur again. Therefore, provisions should be made in this regard.

This is an incomplete Bill and I oppose it.

[English]

THE MINISTER OF CHEMICALS AND FERTILIZERS AND INDUSTRY AND COMPANY AFFAIRS (SHRI VEERENDRA PATIL) : I beg to move :

“That the Bill to confer certain powers on the Central Government to secure that claims arising out of, or connected with the Bhopal gas leak disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants and for matters incidental thereto, as passed by Rajya Sabha, be taken into consideration.”

While moving this Bill, I would like to say a few words. The House is aware

of the unprecedented disaster which resulted from the leakage at Bhopal on the 2nd and 3rd days of December, 1984. The House is also aware of the firm intention of Government to ensure that the claims arising out of, or connected with the disaster, are dealt with speedily, effectively, equitably and to the best advantage of the claimants.

For the purpose of giving effect to this intention, the legal position was examined carefully and it was felt that special provisions are required to be made for processing the claims. Accordingly, the Bhopal Gas Leak Disaster (Processing of Claims) Ordinance, 1985 was promulgated on 20th February, 1985. A Bill was introduced on 15th March, 1985 in Rajya Sabha to replace this Ordinance. I would like to inform the House that the Bill was passed unanimously by the Rajya Sabha on 18th March, 1985 without any amendment. The Bill has now been transmitted to this House for its consideration.

In brief, the Bill enables the Government to assume the exclusive rights to represent and act, whether within or outside India, in place of every person who has made or is entitled to make a claim in relation to the disaster and to institute any suit or other proceedings or enter into a compromise as mentioned in Clause 3 of the Bill.

The Bill also provides for appointment of a Commissioner for the welfare of the victims of the disaster and for the formulation of a Scheme to provide for various matters necessary for processing of the claims. Such a scheme, *inter-alia*, contemplates creation of a fund for meeting expenses in connection with the administration of such a claim and also utilization, by way of disbursement or otherwise, of any amounts received in satisfaction of the claims. The Bill also provides for laying of every scheme so framed before each House of the Parliament.

I am sure, the Bill will receive the support of the hon. members of the House, as it did in Rajya Sabha, keeping in view the objects for which it has be-

[Shri Veerendra Patil]

come necessary to enact such a legislation. I commend the Bill for the consideration of this House.

MR. CHAIRMAN : Motion moved :

(i) "That this House disapproves of the Bhopal Gas Leak Disaster (Processing of claims) Ordinance, 1985 (Ordinance No 1 of 1985) promulgated by the President on the 20th February, 1985,

(ii) "That the Bill to confer certain powers on the Central Government to secure that claims arising out of, or connected with the Bhopal gas leak disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants and for matters incidental thereto, as passed by Rajya Sabha, be taken into consideration."

SHRI D.B. PATIL (Kolaba) : At the outset, I would like to welcome the Bill and the intention of the government for bringing forward this Bill. It is very necessary that the persons who are suffering or are likely to suffer and the relatives of the dead should be given assistance; and for this purpose, this Bill is being brought forward by the government.

Nearly 2,500 people had died although that figure is not correct; it cannot be correct. Not only thousands, but lakhs of people are suffering because of this disaster; and when we talk of this disaster, it is very well known that this is a man-made disaster. There are calamities like cyclones, floods and storms. Nobody can help there. In those calamities, thousands of lives are lost; and in those cases, government also tried to help the relatives of the victims and the persons who suffer from these calamities. There are also man-made calamities such as war setbacks. In these cases, nobody can help. At present, a war is going on between Iran and Iraq. Our Prime Minister has tried to intervene in that war. But we have read in the papers that

it is going on very severely. This is also a man-made disaster; and not only man-made because of criminal negligence on the part of somebody, but thousands of lives have been lost and lakhs of people are suffering and would be suffering. The damage that has been caused could not be gauged at this stage because, according to experts and scientists, it has and will have a longstanding effect on the population which has been affected thereby. The leakage of gas was taken place on 2nd and 3rd December, 1984. The gas that has leaked out is a highly noxious and abnormally dangerous gas which is called Methyl Isocyanate, and in short from it is called MIC. This has been caused at the Union Carbide plant at Bhopal, and continued to cause enormous loss to the property as well as to the lives of the people. It is reported that many lakhs of people have fled from Bhopal after this disaster. How many have been affected it is not certainly known. I would like to know from the hon. Minister whether any attempt has been made to find out how many people have been affected how many people are likely to be affected still, because of this disaster; because in the beginning it was being said and argued by the Union Carbide experts and some of the Indian Government officers also that the leakage of this particular gas was not likely to cause any bodily damage. But actually it has caused bodily damage at a very large scale. So, it is of extreme importance, and I would like to draw the attention of the Government to it, that it has to be found out as to how many people have been affected. It is a very important question.

The Government of Madhya Pradesh has promulgated an Ordinance to the effect that the persons who have fled from Bhopal after this tragedy and who have sold their moveable property while fleeing, would be entitled to the proper price of the property if the property had been sold at a lesser price. That means that the State Government of Madhya Pradesh is aware of the fact that after the disaster many people have fled from Bhopal. It is the duty of the Government of Madhya Pradesh and also the Central Government to find out where

those persons have gone. Wherever they have gone, they might be suffering there without any help and if they are suffering there without any help then, who is to be held responsible for this? I will say that the Government of Madhya Pradesh should be held responsible for this. Because, it was the duty of the Government of Madhya Pradesh to find out who have fled, and to find out the whereabouts of those people.

The damage that has been caused, as I said earlier, is very enormous, enormous to the extent that it has affected in a big way the lungs, the heart, the kidneys and even other parts of the body of many people; it has been said by some experts that there was nervous breakdown also in some cases. This has to be thoroughly examined.

So, I would like to draw the attention of the Government while the Government proposes to bring out a Bill, to prosecute the company concerned for damages and compensation, that it is not that easy. While it is hoped by the Government—and the Minister has said in so many words that he would try to have an out of court compromise with the Union Carbide Corporation—I think it will not be possible because very lately the Chairman of the Corporation Mr. Anderson has voiced his concern, not only voiced his concern, but has suggested that there might be some sort of sabotage. I think that if the presence of sabotage is established, the Government will not be entitled to any damages, which are being claimed now. The Government has to prove clear negligence on the part of the Union Carbide plant at Bhopal and it has not been referred to here. No mention has been made in the Bill about the negligence on the part of Union Carbide Plant at Bhopal or the Union Carbide Corporation. If the Government does not establish the fact that this disaster has occurred because of negligence, the Government will not be entitled to ask for the damages for the persons who are dead and those who are affected. It is very necessary to bring in this Bill that the disaster has occurred only because of negligence on the part of Union Carbide Plant at Bhopal. That

is a disappointing fact so far as the provisions of this Bill are concerned.

Taking into consideration all the facts that most of the affected persons have lost their capacity for enjoyment of life in every sense of the term including sex, it is a very serious matter. Lakhs of people are suffering both mentally as well as physically. All the parts of their body are affected. No thorough examination is being done as to what will be their position after some months. It is given in papers that some of the affected persons have been sent to St. George's Hospital, Bombay for examination. And in this examination some very serious facts have been brought out. If those facts are taken into consideration, the loss that will be caused to the affected persons will be enormous. They will be affected for the whole of their life. If that is so, then there is the problem as to what is to be done. Their whole life is at stake. So, Government should take it very seriously and it should not treat the matter in a lighter vein.

It has been discovered by ICMR and other doctors of the world that disassociation and decomposition of MIC can lead to cyanide poisoning among those exposed to gas leak. It was argued in the beginning by the executives of the Company as well as some of Government officials that this vicious gas, that was released on 2nd and 3rd, would not have the effect of cyanide poison. We know that cyanide is the deadliest poison in the world. Because of the disaster some sort of gas had leaked, which was called MIC. This MIC after disassociation and decomposition can lead to cyanide poisoning among those who are likely to be affected. That means that the gas that was leaked on 2nd and 3rd was as disastrous as cyanide. If that is so, we have to see what can be done in the matter. The Government is thinking of prosecuting the Union Carbide either in India or in USA. The Company is not going to accept the liability so easily because they have suggested some sort of sabotage. It was said that the leakage of the gas was supposed to be because of contamination of water. But Mr. Anderson,

[Shri D.B. Patil]

Chairman of Union Carbide said that it was unlikely that the primary cause of the leak—water contamination—was an accident. So, taking into consideration all these facts, Government should be very careful about ascertaining the negligence on the part of management of the plant. Until and unless the negligence part is established, Government will not be entitled to ask for the compensation of damages. Now, what is the extent of damages has not been defined here and it cannot be defined here also. It has been provided in the Bill that a scheme will be worked out and that scheme will take care of everything. I fully agree that the scheme will take care of all the things, but in the scheme nothing has been provided to find out the persons who have been affected. I would not go into the details of the scheme but in the Scheme it has not been provided to establish some machinery for finding out the persons who are affected, and until and unless we are in a position to ascertain as to who are actually the affected persons, it is impossible for the Government to file claims for all who have been affected. When the Ordinance was promulgated by the Government of Madhya Pradesh, the whole of the area falling under the Bhopal Corporation was covered. It means that not only the persons residing nearby the plant but even those residing within the range of five kilometres from the plant are also affected, and if it is so, it is very important to ascertain the fact as to how many persons have been affected by this particular disaster. Taking into consideration all these facts and the attitude of the company in this regard, I will urge upon the Government to be very careful on its part and to provide a foolproof legislation so far as this tragedy is concerned.

I have suggested certain amendments to the Bill but as I am not like to be here in this House to move those amendments because some communal riots have taken place in my constituency and I will have to rush back by 5.30 p.m., I would draw the attention of the Government to some of the amendments which should be considered. The hon. Minister has stated that the Rajya Sabha

has passed this Bill without any amendment, but I would suggest certain amendments. As I have said, the negligence part will have to be established. There is no provision for this in the Bill and, therefore, I would suggest that this should be provided for in the Bill.

Then, Sir, I would like to draw the attention of the hon. Minister to clause 2(a) of the Bill. It says :

“Bhopal gas leak disaster” or “disaster” means for occurrence on the 2nd and 3rd days of December, 1984, which involved the release of highly noxious and abnormally dangerous gas from a plant in Bhopal (being a plant of the Union Carbide India Limited, a subsidiary of the Union Carbide Corporation, U.S.A.) and which resulted in loss of life and damage to property on an extensive scale.

Here you have said ‘which resulted in loss of life and damage to property on an extensive scale’, but what about the persons who have been affected bodily or who have been injured or are likely to be affected or injured in the near future ? If that is not included in the Bill, then, according to me, the Government will not be entitled to ask for compensation for those who have been bodily affected or injured or are likely to be affected or injured. So, I would like the Minister to make certain provision about this.

About the withdrawal of cases or suits and entering into a compromise, it has been provided in the Bill that the Government will be entitled to withdraw any suit or enter into a compromise. I agree that the Government should be entitled to do so, but when the Government is taking this power, I would suggest that when a compromise is arrived at or when a suit is withdrawn, it should be done with the consent of the affected party. Because, unless and until the party which has been affected is consulted, it is quite likely that it will be put to a loss. So, I would request the Government to take this aspect into consideration.

Having said so, I would request the Government to take into consideration all these things and to be very careful because the management is not likely to agree to a compromise. I will give only one or two examples, without going into the details. One 16-year old girl, who was affected by this tragedy, claimed damages from the Company. The Company argued that there is no defect in the plant and so the Company is not bound to give any compensation to the claimant, who claimed it on the ground of damage of the lungs. When this is the attitude of the Company, the Government have to be very careful and see where they can pinpoint them for negligence.

Then, apart from the persons who are already suffering, even the children who have not yet been born will also be suffering. It is the opinion of the experts that the pregnant women are most likely to be affected; not only the mother, but the unborn child in the womb of the woman is also likely to be affected. The Bhopal gas tragedy will have its impact on the children still unborn. The first child which was born after the tragedy had no eyes or organs to identify the sex; there was abnormality to that extent and that was the direct result of this tragedy.

When the lungs are affected, the kidneys are affected, the heart is affected, naturally the child in the womb will also be affected to a large extent. This is a very serious matter.

It is heartening that the Government have taken the right step. But, after having taken the right step, certain precautions have to be taken which, according to me, have not been taken. So, I would request the hon. Minister to take into consideration all these factors. I support the Bill.

[Translation]

SHRI. VIRDHI CHANDER JAIN, (Barmer): Mr. Speaker, Sir, I support the Bhopal Gas Leak Disaster Bill, 1985 which has been presented here.

The tragedy of Bhopal is the first of its kind in the history of India. I think this disaster is the only one of its kind even in the world, which has greatly pained us.

The Central Government have brought forward a bill in this respect. In this Bill provision has been made regarding the mode of compensation to be given to the gas victims or the dependents of the deceased. Government have taken a decision to file a suit in America after processing the claims of the claimants and collecting the necessary information. This is the decision which has been taken. Now the question is whether we can take action against the Union Carbide in our own country or not. Is it necessary to go to the courts in America when the cause of action has taken place in Bhopal? In view of this, the matter should be taken up in the courts of Madhya Pradesh and Bhopal. But the question is that the defender belongs to that country and therefore the action can be taken there. We should enact a legislation under which action could be taken in India itself against the multinational companies, or the foreign companies operating here.

The most important point in the matter is that at the time of filing of the claims the burden of proof will lie on us and we shall have to prove that the disaster occurred only because of negligence on the part of the Union Carbide. When we file the suit we shall have to establish that they failed to take precautions. ... (Interruptions) I know that the onus of proving the case lies on one who files the claims. It will have to be proved that there has been negligence on the part of the Union Carbide factory. We shall have to collect information about the negligence on the part of the Union Carbide in connection with the suit to be filed by us. There is a provision in the Bill that the claimant can also engage his own lawyer besides the advocate to be appointed by the Central Government. This provision is a welcome step because in case the Government advocate does not plead effectively then the claimant will have the right to engage his own

[Shri Virdhi Chander Jain]

lawyer. This is an appropriate provision and it should be there

Secondly, a National Calamities Fund should be created in order to provide relief to the victims of calamities like earthquakes, famines, and disasters, such as have occurred in Bhopal. The Centre should collect contributions from all the States for this Fund. The Centre had collected funds from all the States when Bihar was rocked with earthquake. The people had generously donated money and in this way it was possible to provide relief to the victims of the tragedy in an effective manner. In a disaster like this, in which 2500 persons have lost their lives and lakhs of people have been affected and their future has become bleak, an appeal should be made on a national level to face such a tragedy. We shall get crores of rupees in response to our appeal and thus we may be able to help the affected people. Arrangements for medicines and for their rehabilitation would have to be made. About 95 per cent of the people dwelling in jhuggies and jhopries have been affected by this disaster. Schemes should be prepared to rehabilitate them. The Madhya Pradesh Government should formulate such a scheme and the Central Government should give special assistance for it. They should be provided with every available facility. The most competent lawyers should be engaged to plead their cases. In this connection, the services of a good lawyer from America can be availed of. Efforts should be made to compensate the victims of the gas tragedy. The need of the hour is to give them relief at the earliest and to take positive steps in this respect. With these words, I support the Bill.

SHRI K. N. PRADHAN (Bhopal) : Mr. Chairman, Sir, no Member of this House will disagree with this Bill. Hon. Members of the House have drawn their conclusions about the tragedy in Bhopal or about the extent of compensation that should be claimed, by depending on hearsay, the newspaper reports or by talking to one another. The real enormity of the disaster can be gauged only

by those who were present there, who were a witness to the disaster and its after-effects, and it is they who know what the need of the hour is. I am that unfortunate Member of Parliament who has been elected from that constituency. The poor and the aggrieved people have elected me. I have also suffered a loss because I could become a Member of this House only a month later. It is because of that tragedy that I have become junior to other Members by one month. We want compensation. A plan should definitely be chalked out in this respect and maximum compensation should be given. Unless we assess the extent of compensation to be claimed and on which counts it has to be claimed, we cannot succeed in our efforts. So far as the claiming of the compensation is concerned my impression is that everyone is of the opinion that compensation should be claimed for the loss of life and personal injuries. There have been two types of personal injuries i.e., grievous injuries and simple injuries. When the proposal for granting relief was under the consideration of the Government, the Madhya Pradesh Government had decided to grant Rs. 10,000 to the heirs of the deceased. It was also decided to grant Rs. 2000 to those who suffered grievous injuries and Rs. 1000 to those who suffered simple injuries. Sir, I was also a member of the Relief Committee and I had asked the officers as well the doctors how they would define a simple injury. They only said that it referred to only those whose eyes have been affected by the gas. When I asked them how they would find the numbers of persons whose eyes were affected, who took medicines and for how many days they took medicines, and the number of persons who suffered after-effects, they had no reply to all these questions. This is the reason why except in a few initial cases when some people got Rs. 2000 and some got Rs. 1000, this relief was stopped because it was not possible to reach any conclusion till the survey work was completed and till the extent of assistance could be decided.

The survey work was entrusted to the personnel of Tata Institute but it is yet incomplete. Sir, what I mean to say is

that it is not possible to gauge the enormity of the tragedy caused by the Gas leakage in Bhopal.

[English]

SHRI NARAYAN CHOUBEY (Midnapore) : Sir, where is the Minister ?

MR. CHAIRMAN : It is the joint responsibility. Some hon. Ministers are sitting in the House.

SHRI NARAYAN CHOUBEY : It seems we have not given the importance that it deserves.

MR. CHAIRMAN : It is the joint responsibility. Ministers are present in the House. They are taking note of the points raised in the speech. A Minister can do so even mentally.

SHRI NARAYAN CHOUBEY : The victims have not died mentally. They have died physically. Is it a hem gas from the Ministers ?

[Translation]

SHRI K.N. PRADHAN : I would like that a survey should be conducted to find out the number of persons who suffered personal injuries on account of the gas and the extent of damage caused to property.

Sir, when this tragedy occurred during the night of the 2nd and 3rd December people were running about in every street and on every road from 12 O'clock in the night to 5 or 6 O'clock in the morning in the Bhopal city as if death was bounding them. Everybody was in the grip of panic so much so that the son did not bother about his father and the husband did not bother about his wife. Every one was running as fast as he or she could with the sole object of saving his or her life.

SHRI MOOL CHAND DAGA (Pali) : Who were the wives who did not bother about their husbands at that time

SHRI K. N. PRADHAN : Had you been in Bhopal at that time, you would

have seen not one but many such instances. Previously also, a similar mishap had occurred in Bhopal in 1982 in which some employees of the factory were killed. I was the first to raise the matter in the Madhya Pradesh Legislative Assembly and had warned of the consequences which the city of Bhopal would have to face if this poisonous gas leaked from the factory some day. Yesterday when one of our colleagues was saying while discussing Sriram Chemicals.....

SHRI VIRDHI CHANDER JAIN : When did you raise this question in the Madhya Pradesh Legislative Assembly ?

SHRI K.N. PRADHAN : I had raised this question in March, 1982 and had pleaded for effective measures to contain it. Yesterday, Lalitji was saying in this House in regard to the Sriram Chemicals factory that the history of Bhopal might be repeated in Delhi. Believe me, I shuddered at the reply because a similar reply was given to me in the Madhya Pradesh Legislative Assembly that everything had been taken care of and everything was all right and that the factory was not a stone which could be shifted to any other place.

Sir, I would like to plead that no rule or law or Government can come in the way of saving human lives. Government should take the incident which occurred in Bhopal seriously. Safety measures should be adopted with regard to Sriram Chemicals factory also at the earliest. The Madhya Pradesh Government had set up a committee and that committee submitted its report also but no action was taken thereon.

Many of our colleagues have raised a doubt that when the suit for the compensation is filed, we shall have to establish that the Company has been responsible for the tragedy. The company is definitely responsible. I would like to urge upon the Government that, alongwith the diplomacy of decency, we should also examine whether it was not an experiment on this poor country, on poor Bhopal and on the poor people of Bhopal to find out the effects of this poisonous gas on

[Shri K.N. Pradhan]

human beings and also its after-effects

In America, MIC gas is stored in tanks made of good quality stainless steel because it has been mentioned in their report that if water in pure forms enters MIC gas tanks then it would not affect it but if iron-mixed water enters the tanks, it would react. Here carbon steel tank was used.

Similarly, earlier five specialists used to work in the factory. Within one year, four specialists were withdrawn and only one specialist was there when this incident took place

In the name of rationalisation, INTUC Union was pressurised by the factory-owners to get its staff-strength reduced. When INTUC Union did not agree, the other Union was enticed into agreeing to the reduction in the strength of the workers with the allurements of increase in the emoluments of the workers. The office-bearers of the INTUC Union were gheraoed and they were pressurised to sign the agreement.

At the tank where the leakage occurred, there used to be 19 people on the job and they were all trained. After the agreement, 11 persons were posted, out of whom only four were trained. Does this not indicate that it was all deliberately done to give it appearance of an accident, whereas actually they wanted the gas to spread outside so as to observe its effects on the people—how they will writhe and die inch by inch; they wanted to find out the treatment for it and observe its after-effects. We shall have to look into this aspect also.

The extent of damage can be gauged from the fact that on the night the incident took place, about four lakh people fled from Bhopal and out of them one lakh people have not returned. Till the day "Operation Faith" was started, people continued to flee, fearing that the tank might burst at any time and there might be consequent leakage of gas

which might hamper their escape. This fear made them run for safety. The result was that the people sold their utensils, cycles, livestock and other belongings at throw away prices and fled from Bhopal.

The day "Operation Faith" was started in the old city of Bhopal, where about four to five lakh people reside, every door was locked and there was an eerie silence everywhere. Only two to three thousand people were left behind who were traffic policemen or hospital personnel doing their duties. Otherwise, the whole of Bhopal was a deserted city.

In T.T. Nagar and HEL more than 80 per cent of the people had sent their families out. Thus, out of a population of nine lakhs, more than seven lakh people had left the city. So far as its impact is concerned there was not a single town or village of the three districts of Bhopal, Sehore and Raisen where people of Bhopal had not taken shelter. In shivering cold, people tried to save their children by burning fire. The problem before them was, if they returned to Bhopal, where they would find any means of livelihood. Business had come to a standstill and factories had been closed. Even today, 50 thousand families are facing the problem of unemployment. Government have, no doubt, done a lot, for which I am thankful to them and specially to the Hon. Prime Minister who visited Bhopal on the 4th instant and saw the wailing humanity with his own eyes and extended to them all possible assistance. The scheme which was formulated for supplying free ration for three months, will remain operative only up to the 31st March. This aspect should also be looked into.

You may formulate a scheme of compensation, which is, of course, a good step. But when will it be finalised? When will the people get employment? What about their treatment? These matters should be considered at the earliest. The most regrettable thing is that the doctors sitting in America and Calcutta are writing strange things about the disease which has instilled a sense of fear among the

people of Bhopal and they do not know what is in store for them. The people who have been affected physically are, of course, suffering but those who have not been physically affected are suffering mentally. It is quite necessary to alleviate their sufferings. Treatment is being given to them, dispensaries are working but everything should be done systematically. A big hospital should be opened. A scheme should be prepared for them and it should be decided as to what treatment and medicines would be required to cure them. If this is not done, their problems will go on multiplying. There should be a research centre.

Similarly, the people who have become victims of this gas tragedy, whose eyes, legs or lungs have been damaged should be provided with employment. The factories which have been closed, should be reopened to provide employment to the people there. J.K. Batteries has been closed down, Straw Products is also closed. You should examine the question of expansion of H.E.L. Funds should be provided for underground trenches, slum clearance and for water supply.

After the reorganisation of States in India, Bhopal has been allocated the least amount among the new capitals. This aspects should be looked into. Today, Shri Rajiv Gandhi is at the helm of affairs and he has a lot of sympathy for Bhopal. When he visited the city, he promptly said that assistance to the City should not be confined only, to the scheme of compensation, but the people should be provided with medical treatment and employment also.

If the sufferings of the citizens of Bhopal are not mitigated and employment is not provided to them, then it will only mean shedding crocodile tears.

With these words, I support the Bill and hope that the Central Government, besides implementing the scheme, of compensation, would also prepare a scheme for the resettlement, employment and medical treatment of the people of Bhopal, where we feel that an experiment has been made. We hope that Government will take steps to provide relief to the people.

[English]

SHRI S.M. BHATTAM (Visakhapatnam) : Mr. Chairman, Sir, I fully support the aims and objects of this piece of legislation which is now before the House. The Minister has undertaken this great responsibility on his shoulders of ensuring and protecting the interests of all those people who were affected during the recent greatest tragedy and disaster which has overtaken Bhopal, which is unprecedented, which is first of its kind in the entire world. I only wish that he succeeds in discharging the great responsibilities which he has undertaken.

I am happy that this piece of legislation has been introduced on the question of protecting the interests of the victims and other relatives of the affected members of families in the Bhopal tragedy. But to meet similar situations God forbid, it should not recur—Government must have a permanent piece of legislation just as in the case of accidents on account of fire where there are permanent instructions issued for rushing help and assistance to the victims; Government must have a standing and permanent Statute whereby they undertake the responsibility of safeguarding and protecting the interests of all people concerned, whoever be the victims and in whichever part of the country it may occur, in whatever circumstances it may occur. This is the first suggestion which I place before the Minister for his due consideration.

The Minister, as I stated earlier, has got a very onerous responsibility on his shoulders. How many people were affected, how many died, how many were injured, how many people are yet to suffer, how many people suffered serious and severe injurious, how many generations are going to be damaged and disabled—these are all things which he should take into consideration and he should see that necessary compensation is paid to them. We must have statistics about these. The Minister, previously, on a different occasion, placed before the House the statistics which were then available, but they are not complete figures. The complete data are perhaps in the process of being collected. A

[Shri S.M. Bhattam]

separate body has been constituted for this purpose; the Tata Institute of Social Sciences was named here; the responsibility has been entrusted to them of collecting the information and placing it before the concerned authorities. That process is still perhaps going on. Even without knowing the number of persons who were affected, how is it possible for the Government to safeguard their interests and undertake such measures as are necessary to go before a court of law and establish their case for payment of proper compensation? Therefore, this is the basic essential data which the Minister must be able to collect and keep ready as expeditiously as possible. This is the basic minimum requirement which is absolutely and highly necessary. This is what I would like to point out in the beginning.

Again, the question of limitation comes. The Limitation Act, of course, is there. The Minister has stated that in the Limitation Act 1963 under Sec. 8 (1) certain period is prescribed for going in appeal before the competent court. But here he makes an exception and he provides for a belated application before the court of law. All right. But I do request him to once again consider whether it will be legally valid at all to provide for such exemption in this piece of legislation and not in the original Act, that is, in the Limitation Act of 1963 and without providing for it there and providing for exemption in this piece of legislation would it be valid at all? ...

MR. CHAIRMAN : This is a Special legislation whereas Limitation Act is a general Act.

SHRI S.M. BHATTAM : May be a special Act, but will it over-ride whatever is contained in that act? This is a matter for consideration. After all I am making a submission for him so that he can make his case foolproof. It is only in the best interests of people concerned and not with a view to pick holes and find fault with anybody in this regard. So on this aspect he may also give due consideration again.

Not merely that, another aspect the Minister must consider. There are two things open for the Minister. Either he may go to a court of law on behalf of all such affected persons in this country or he may go before a court of law in the USA. Or the third alternative is that he can arrive at a settlement out of court—a compromise may be effected. There are the there courses open to him. Which course exactly is he going to adopt? Is he going to prefer an appeal to a court of law here in this country? Or is he going to a court of law in America? What is it exactly he proposes to do?

I am conscious of the fact that the Attorney-General was sent on a previous occasion to America to study the legal system there, to consult the necessary legal luminaries there and also other organisations and bodies in the field. Similarly, the Secretary, Law Department was again deputed to USA to study the situation. What is the result? What has happened? And what is the decision taken? For a common man like me, our information goes to show that after all the amount of compensation which is generally and normally conceded and paid to such victims in America will be much bigger. A huge sum is paid to them normally. Then why not we go in appeal to America? Why in India? So, this is still a subject matter for discussion. Has something been done? Has some decision been taken? Has some stand been taken in this regard? I would like the hon. Minister to enlighten the House on this particular issue.

Again there are some people whose cases were pending before the courts of law in America. What happens to those cases? Now here under this piece of legislation the Government has conferred all powers and authority, exclusive authority to go before a court of law with a view to protect the interests of the affected persons. But what happens to those people whose cases are now pending before the courts of law in America? Will all pieces of legislation you undertake here, you implement here and you

enact here be binding there in that country where the courts are already seized of the matter and the cases are pending and the matter is *sub judice*? This is also another aspect which the Minister should consider and decide whether it has got any legal validity and application to all outstanding cases which are now pending before the Federal Court or State Courts in America.

Sir, three months have elapsed now. In the course of these three months what is it that the government has done with regard to this issue. Has the government appointed the Commissioner as envisaged in the Act to prepare a scheme and process the claims? At what stage does the matter stand? Has the Commissioner been appointed for the purpose of ensuring welfare of the victims of the disaster?

Sir, the Minister is credited to have stated on the Floor of Rajya Sabha that if and when such a scheme is prepared it will again be placed before the House. That goes to show no such scheme has so far been prepared. What does it indicate. No doubt, the Minister is anxious to expeditiously deal with the matter so that justice is done to them as speedily as possible but as it is the scheme has not been prepared and the cases of the claimants not projected in the proper forum.

Sir, instead of dilating on the subject at length before I conclude I would once again endorse the main aims of the Bill and as stated earlier I earnestly wish that Minister may profoundly succeed in discharging the responsibility which he has taken over his shoulders. After all he is doing a great service to the people who are very innocent, poor, helpless and illiterate and nobody else to support them. May he succeed fully and profoundly in it.

SHRI CHINTAMANI PANIGRAHI (Bhubaneswar) : Sir, I welcome this Bill and I can say that the Government has taken a very serious and right attitude so far as the Bhopal tragedy is concerned. This is one of the greatest tragedies that our country witnessed or perhaps the world

witnessed. Like George Orwell's 1984 perhaps India, witnessed some of the biggest tragedies in the year 1984. Here I would like to quote what the Japanese people thought about this Bhopal tragedy and how they demonstrated in Tokyo before the Head Office of this the killer Corporation union carbide. I quote :

“We cannot restrain our anger at the report that more than 2500 people were killed and hundreds and thousands of people are suffering as a result of the leakage of poisonous gas. We have seen no such other example of massacre committed by one private enterprise at one time so far.”

The Japanese have correctly expressed their anger at the tragedy that the people of our country have faced. I would like to know till today has the government been able to place before the House or before the people as to who are really accountable for this disaster? I was trying to go through the publications that have been made and reports published during the last three months but nowhere I could come across that such and such person or such and such department has been held responsible for such a disaster.

I would also like to know from the hon Minister that had this happened in the western countries what would have happened to this multi-national corporation?

15.00 hrs.

Perhaps they would have been asked to close down everything. We are a sovereign and independent country. Have we got no right to exercise our sovereign rights? Why could you not make any provision while granting licence to multinationals that if such a disaster happens you can confiscate their entire property? There were demands from all sections of the House and the people also that gradually we must have majority equity participation in all multinational corporations. In fact, in many of these corporations India got majority participation of 51 per cent. But why that in

[Shri Chintamani Panigrahi]

the case of Union Carbide, they are retaining still 51 per cent of equity share? I don't understand this and I request the hon. Minister to enlighten the House on this point.

I want to know as to who granted licence for setting up of this factory in the heart of Bhopal city which is heavily populated. I hope the hon. Minister has gone through all these aspects of the matter. These multinational corporations are now spearheading neo-capitalism in the third world countries. In the third world countries today every year nearly 25,000 people die from the use of pesticides which are not being manufactured in the West because they are considered poisonous and hazardous for safety. Now they say that it is better to control these things by natural process instead of using these poisonous pesticides. In the third world countries, because the labour is very cheap, they set up their factories earning more profits. In the western countries, they are more conscious about their safety than ourselves. So these multinational corporations are trying to see that such poisonous gases are manufactured in the developing, third world countries where labour is very cheap, and where they could get many concessions also.

In this connection I would like to quote what Dr. P.N. Haksar has said. It is an interesting observation. He said :—

“Research work done at the Union Carbide Centre at Bhopal was of dubious nature and it might be linked with the research in chemical warfare.”

Dr. P.N. Haksar has written an article about it. Now, the question which arises is this. Who granted this licence for this MIC Gas production? Why were 100 tonnes of MIC stored at a time in the factory? Was there no system of monitoring and supervision there? The usual process adopted is to manufacture a tonne every hour or so, instead of storing hundred tonnes at a time. These are very vital questions which have got to answered.

One hon. Member pointed out that those who will suffer after this happening, have not been taken care of. I find that those have been taken care of. The hon. Minister has said that the victims of the disaster who have managed to survive are still suffering from adverse effects and the further complications which may arise in their case in course of time cannot be fully visualised even at this stage. Therefore, provision has been made in the Bill for taking care of those who will suffer as a result of after-effects of this tragedy.

These multinational corporations have their ways of doing things. Many experts come who are utilised by Union Carbide. They know very well how to utilise these spokesmen. They can speak out as if all the blame lies on the part of the Indian Government and not on any of them. One of their very noble laureates came to India and somebody asked him about the Bhopal tragedy. He said ‘this may happen because Government of India always insists on having the equipments manufactured in India itself and perhaps those equipments utilised in this Union Carbide Plant must be of Indian manufacture’. As if it is a crime on our part to insist on indigenous manufacture of equipments and plants and machineries.

MR. CHAIRMAN : Utilising that kind of the equipment may be culpable negligence.

SHRI CHINTAMANI PANIGRAHI : Now, they are trying to build up a case. Now, I would like to know from the hon. Minister—it is good that the Government has taken a very serious view of this tragedy—as to how much claims have been processed for the last three months and what is the actual amount of compensation that the Government of India has in view for the extensive damage that has been caused? I think some figures should be given so that we know to what extent the damage has been caused.

Sir, I was reading an American newspaper. Perhaps hundred of cases have been filed in different courts in America. Sir, you have experience that in regard to

the court matters one court may differ from the other and the judgement of one court may differ from that of the other. So, ultimately, they will have to go to the Federal Court and if the judgement of the Federal Court is in their favour, where do we stand? The multinational corporations have been so powerful and they have accomplices also in the Third World countries to support them. Today, they are the biggest exploiters of the Third World countries. Therefore, as a sovereign country, can we not immediately ask for taking over 51% equity share of the Unit and start functioning on our own without waiting for the judgement of the American Courts? We do not know what the Federal Court's judgement would be. Nobody knows about it.

PROF. N.G. RANGA (Guntur) : How can we do that ?

SHRI CHINTAMANI PANIGRAHI : Ours is a sovereign country and we can do that. All the Third World countries today are unitedly fighting against all the multinational corporations. It is not that India alone will do that. It is the biggest challenge of the 21st century that we are going to face. Therefore, I am happy that this Bill is brought forward and our Prime Minister has taken a very serious view of this Bhopal tragedy and the Government is seized of this matter as to how to provide adequate compensation to the victims. Here only India's sovereignty comes. It is not the question of getting compensation of \$2 million or so for our victims. It is how we exercise our sovereignty when such a disaster has overtaken our people. So, we must take care of these multinationals corporations in the future.

With these words, I support this Bill.

[Translation]

SHRI MOOL CHAND DAGA (Pali) : Mr. Chairman, Sir, on the night of 2nd and 3rd December, the demons of death ran amuck and claimed many lives in Bhopal. These 45 tonnes of gas were flowing close to the earth. When 45

tonnes of gas leaked within a day and flowed close to the the earth, it caused inflammation in the eyes and pain in the chests of the people, due to which many people died. It took three weeks for the Government to constitute a Commission of Inquiry. Eleven weeks have since passed and we do not know what report that commission has submitted. Even after 11 weeks; We do not know who has been found guilty according to the report.

Now, you have brought forward this Bill. You have said that after this Bill is passed and it becomes an Act, you will do the needful. How much time will it take? I do not know whether your Department of Law have thought about all the powers which are proposed to be vested with the commissioner—about which clause 6 says—

[English]

“For the purpose of assisting it in discharging its functions under this Act, the Central Government may appoint an officer, to be known as the Commissioner for the welfare of the victims of the Bhopal gas leak disaster, and such other officers and employees to assist him as that Government may deem fit.”

Who will be that officer and what will be his qualifications? Will he be a High Court Judge, or an SDO or Collector? What do you mean by an officer?

Then sub-clause (2) :

“The Commissioner shall discharge such functions as may be assigned to him by the Scheme.”

Where is the scheme?

[Translation]

Now, what would be this scheme? You have brought forward this Bill, but your scheme is not ready. When the scheme is not ready, what work can be done on it.

SHRI GIRDHARI LAL VYAS (Bhilwara) : You have not gone through this Bill.

SHRI MOOL CHAND DAGA : If you have gone through it, please do tell me. It is now over 2½ months, but your scheme is not ready as yet. You tell me the number of people who died in this disaster, the number of people who became blind, the number of those who are suffering from eye diseases and the number of people whose property was destroyed. What figures have you got in this regard ?

You have said in clause 9—

[*English*]

“The Central Government shall, for carrying into effect the purposes of this Act, frame by notification in the official Gazette a scheme as soon as may be after the commencement of this Act.”

Where is that scheme ?

[*Translation*]

This is how you are preparing that scheme. You have brought forward this Bill in the House and you are going to delegate all these powers, but so far you do not have any scheme as to what you are going to determine. The powers proposed to be *veste dare*—

[*English*]

Then, “A scheme may provide for all or any of the following matters, namely :

- (e) amounts which the Central Government may, after due appropriation made by Parliament by law in this behalf credit to the fund referred to.....”

[*Translation*]

From the aforesaid it appears that it is still not clear as to what compensation will be paid to the people.

[*English*]

MR. CHAIRMAN : Mr. Daga, may I invite your attention to clause 9 (3) ? Please go through it. It says that after the scheme is framed, it shall be laid on the Table of the House.

SHRI MOOL CHAND DAGA : It will be laid after this Bill is passed.

MR. CHAIRMAN : Definitely.

SHRI MOOL CHAND DAGA : Is the scheme available ?

MR. CHAIRMAN : After it is prepared it will be laid. Hon. Minister will lay it on the Table of the House.

SHRI MOOL CHAND DAGA : What is the harm if we can do it along with this Bill ?

[*Translation*]

When you have not prepared the scheme as yet, naturally you cannot tell us the details of the suit which you are going to file for compensation. If a person dies in an air crash, you pay him Rs. 1 lakh as compensation. In case of a death caused by an accident—

[*English*]

“Under the Workmen’s Compensation Act, the amount payable to Workmen in the event of death ranges from Rs. 10,000 to Rs. 40,000 and in case of permanent total disablement from Rs. 10,000 to Rs. 42,000. Naturally, this relates to compensation payable only to workmen and not to members of the public. In the case of India Railways, liability is limited to Rs. 1 lakh in the event of death. Indian Airlines, however, offers compensation of Rs. 2 lakhs for death or injury which results in permanent total disablement.”

[*Translation*]

So, please tell us how you would pay them the compensation or what your

formula would be for that. You cannot even tell us what the extent of compensation would be. The people say that if a suit for compensation is filed in India, commensurate with India's conditions comparatively less amount of compensation would be granted and now that you are filing the suit in the U.S.A., would you be getting more compensation? The doctors who diagnosed also have said that they could not identify the substance which caused the deaths. This could be utilised by the defence to challenge the claim for compensation on the plea that Dr. Gopal and his wife were able to find traces of cyanate and could cure the patients by neutralizing this cyanate. Since it was not done earlier, the deaths in Bhopal continued to occur and no treatment for this could be given. You tell me what are the statements of your experts. The experts are telling us that all this happened due to our negligence and our mistake. Why were the provisions of the Factory Act not complied with? Did the Government ever take any action against the offenders? This matter was never investigated into. So, all these points go in favour of the defence. Are the Government in a position to reply to all these points? Are the Government in a position to tell us how many people have been affected by this gas leakage, how many children to be born in future would be affected, how many of them would become disabled, how many of them would be deformed? Nobody is tell us all this. As long as our scheme is not completely ready and the Government do not file the suit, it is of no use of it. You want to delegate the powers, you may do so and a Bill for this purpose has come before the House but there are certain aspects of the Bill which should be finalised in the House itself. The scheme is not yet ready and I want that full details thereof should be incorporated in the Bill. We should not delegate all the powers to the bureaucrats.

SHRI LAL VIJAY PRATAP SINGH (Sarguja) : Mr. Chairman, Sir, I rise to support the Bill introduced by the hon. Minister. It will not be an exaggeration if I say that the Bhopal Gas Tragedy was the most horrifying tragedy of this century. It has not only claimed 1400 or

1500 human lives but has also directly affected about 1.5 lakh people. More than this number have been affected in other ways. Apart from those who have directly suffered, there are a large number of people who have suffered psychological damage. It is difficult to describe in words the atmosphere which prevailed in the entire city of Bhopal at that time. Not only human lives were lost, but a large number of cattle also perished. At this stage, I feel it my duty to mention that soon after this tragedy occurred, our State Government promptly took all steps to deal with the situation. Orders were issued at once to all the 21 hospitals of the city and all the dispensaries to treat the victims of the gas tragedy with selfless devotion. Here, I also want to tell the House that 700 doctors were pressed into service, out of whom over two hundred were called from outside. Many mobile and permanent dispensaries were opened, through which proper treatment was provided to the people. With a view to saving the people from hunger, many camps were set up where arrangements were made to provide free food and milk. Our State Government of Madhya Pradesh made arrangements to provide 200 ml. of milk per unit.....(Interruptions) Not only this the Government also made arrangements to provide compensation of Rs. 10,000, Rs. 2000 and Rs. 1000 respectively, to those whose lives could not be saved or who were seriously injured. The Government made proper arrangements to provide relief to the people. This helped in restoring a sense of confidence in the minds of the people to a great extent. Owing to this confidence, you have seen that the people have elected Shri Pradhan to this House with a massive majority. I want to mention this also because I know very well that the intention of our Government is to provide all possible relief to the people.

Our Rajiv ji is fully aware of the tragedy and on the 4th instant he met the people in Bhopal and listened to their tales of woe and issued appropriate orders in this regard.

Mr. Chairman, sir, keeping in view the catastrophic tragedy that occurred in Bhopal and the various steps taken

[Shri Lal Vijay Pratap Singh]

by the Government in this regard, it is my belief that the facilities provided to the victims of the tragedy are negligible as compared to the horrowing experience and trauma which they had to undergo. These facilities need to be enhanced.

So far as the question of filing a suit in the Courts in our country or in foreign countries is concerned, it is for the Government to take a decision in this regard. But I must say this much that ours is a backward State and the voice of the people of that state cannot be raised here but through this Bill, that backward area would receive suitable attention and the people there would feel secure.

[English]

SHRI SAIFUDDIN CHOWDHURY (Katwa) ; Mr. Chairman, this Bill reflects the confused mind of the Government. In the Statement of Objects and Reasons it has been said :

“The legal position examined carefully with reference to the laws obtaining in the United States of America and in our country and in the light of the examination it was felt that special provisions should be made for processing the claims.”

It means, disposal of the claims also. Now, if that is so, where is that provision in this Bill? What is required for this is, to set up a special tribunal which will go into the aspect of compensation and that tribunal will dispose of everything.

Now one point has been raised, that is, to go to the U.S.A. and to file the case. The argument advanced is that we will get more money. What action has been taken for the grant of relief? It is difficult to understand from this Bill. We have our own law. If we feel that it is insufficient to achieve desired compensation, we can make amendments to the Act, if that is what intended. What is the law of the

U.S.A. ? They have their own law, for their own citizens. We are not their citizens. It is difficult to understand how their law of paying compensation will apply to our citizens. So, what is required is, and that is what we ask the Government to do, to set up immediately tribunals to dispose of these matters. That is the first question.

The second question is, that so far as the victims care concerned, in the contents it is said that the Government act on behalf of the victims, and that they will take care of the victims ; that is all welcome. But the point is how to assess the damage that has been done? We have been officially told that the death toll is not more than 2,500. But there are reports that more than 7,000 have died. That is the report. There are reports that 7,000 coffins were used.

AN HON. MEMBER : Who has reported ?

SHRI SAIFUDDIN CHOWDHURY : We know. We have our agencies also. Why are they defending when such a large scale disaster took place ?

MR. CHAIRMAN : Please address the Chair.

SHRI SAIFUDDIN CHOWDHURY : They should not act as an agent of Union Carbide.

MR. CHAIRMAN : If any Member speaks sitting, please do not attach any importance to that. And please address the Chair and not the Member.

SHRI SAIFUDDIN CHOWDHURY : There is an attempt to destroy the evidence. We want to know the people who are doing that. Union Carbide has an interest to show the contamination in a very lower level. Actually reports are coming from different corners that the gravity of disaster is much more. We have to assess it. Has the Government set up any machinery to assess the extent of the disaster? Hundreds of reports are coming in the press that due to this disaster blindness is taking

place. Union Carbide has denied that. I am afraid that Government has also denied that some time or the other, ICMR and Tata Institute of Social Sciences have conducted surveys. They have proved that blindness is taking place. It is affecting kidney and the brain. The oxygen carrying capacity of the cells is being destroyed. That will lead to leukaemia and cancer. Another horrifying report has come that cyanide poison has been traced in the victims. That has been confirmed by the doctors. Union Carbide is trying to deny that. But the patients, who are treated with sodium thiosulphate, have shown some improvement. That suggests that they had cyanide poisoning. Two years ago, in the Company's journal they had that report published the MIC can decompose into cyanide in a particular degree of temperature. But they withheld that information from their people in Bhopal. It came in *The Times of India*.

We must assess the extent of damage, its reaction on vegetable, water, flora and fauna and future generation. It is not a question of compensation alone. For that we have to set up something of our own. We do not know whether the US court will accept or reject our claims. How is it that a foreign company, which has established its plant here, is not bound by our law? They were doing research, but we did not have any access to know about that. We could not monitor that. They did it in the name of trade secret. In that plant they used to do research for chemical warfare. They could keep it secret and we do not have any law to know about that. What were the terms of reference when this plant was set up? That is all secret; we know nothing about that. We have to take it very seriously. We have to make amendment in our law to get the due compensation. We will have to assess the damages. We can charge them punitive compensation also. Union Carbide is the seventh among the world chemical giants and 17th among 200 top multi-nationals. They take away crores of rupees from our country. It is very difficult to fix certain compensation. It has certain future repercussions also.

Those who will be born in future will be bearing the reaction of this gas. For them also you have to make laws so that those who are making so much money and transferring in to their country, they have to pay a certain amount in the coming so many years for the benefit of the people of that area who have suffered because of their negligence. An attempt is being made by Anderson and others also that we Indians are at fault and what they are feeling is that their reputation has been damaged because of this incident. They are trying to say that they are not at fault and it could be an act of sabotage. I must say that some people on their behalf are trying to say that they do not have any responsibility and some suggestions are being made that it is for the victims of for our country to prove that there has been some negligence on their part and then only we can sue them in the court. That is a very wrong interpretation of the law. The fact is that they had stored MIC in their plant. The English law is there which was applied in the case of Royland V/s Flature, and that law is commonly applied by other countries also. That is the law of strict liability. Union Carbide is responsible for this disaster and they have to pay for this. They have employed 400 persons to propagate that they are not guilty. Their line of propaganda is we poor Indians are not very intelligent people and those Indians who were in charge of this plant, are responsible for this.

MR. CHAIRMAN : Indians but appointed by them.

SHRI SAIFUDDIN CHOWDHURY : Yes, appointed by them. But the point is, as admitted by Union Carbide's spokesman Jackson Browning, no advance warning computer system, obligatory for their enterprise in U.S., was there at Bhopal. I want to know how is it that before giving permission to instal such a plant, we did not care to see whether safety measures are being taken or not. Who is responsible for that? Central Government is responsible or the Madhya Pradesh Government? I want to know when collaborations are entered into with foreign companies, do we have a model Act to regulate these companies, Do we have any scope for a public scrutiny of

[Shri Saifuddin Chowdhury]

those companies? Now comments have been offered by many scientists that they were using obsolete technology for manufacturing the pesticides. There was a safer technology. Why that was not used? Because they had nothing to do with the pesticides, they had the intention to do something more heinous in our country, which they are not permitted to do in their own country. So, they are culprits and we must deal with them as culprits. You may try to sue them in a court, you may try to get some compensation, that is all right, but my point is that you have made a provision in the Bill regarding entering into a compromise. You may say it is a legal term or a technical term or anything, but I am very much opposed to that. We cannot enter into any compromise with them. You can say settlement out of the court or something else, but the word compromise hurts our reputation. Therefore, you have either to drop this word or substitute it with any other word.

MR. CHAIRMAN: If they concede to all the claims?

SHRI SAIFUDDIN CHOWDHURY: But the word compromise is the reflection of a very bad mind, Sir. No compromise should be there.

At the end, I must say that whatever has happened at Bhopal, should not recur in our country and for that we require a model Act which will monitor all such foreign collaborations and provide for the public scrutiny of such companies also. I want to know what are you going to do in that regard. With these words I conclude.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara): Mr. Chairman, Sir, I support the Bhopal Gas Leak Disaster (Processing of claims) Bill 1985. Through this Bill, the hon. Minister wants to acquire some powers:

[English]

“to confer powers on the Central Government to secure that claims

arising out of, or connected with, the Bhopal gas leak disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants and for matters incidental thereto.”

[Translation]

The aforesaid points form the basis of the Bill. As regards the provisions of the Bill, has any agency been set up to give complete information with regard to the people who have died because of this gas leakage, or who have been affected or have fallen sick or have been disabled or have become blind or fallen victim to other diseases? From this side, it was said that the number of persons who lost their lives is 2500. This is the official figure. But from the other side it was claimed that 7000 persons had died. So, Government should provide information in this regard so that the people could know about the number of persons who lost their lives, who were affected by the gas leakage, who lost their eye-sight and, in case of pregnant women, the number of cases where the baby either died in the womb or became blind, or was disabled. Have you set up any machinery to collect such information? So long as this assessment is not made, how can you file a suit for compensation in America or here? Unless this information is available, to whom will you pay the compensation? Therefore, it is absolutely necessary for the hon. Minister to make arrangements for the Collection of this information on the basis of which claims can be processed and paid to the people.

Our Government have all along been providing relief wherever such calamities have occurred. The Government of India and the State Governments have always been providing relief. You must have seen in today's *Times of India* about the relief arrangements made by the State Government. They spent Rs 10 crores for this purpose. Compensation to the tunes of Rs. 1000, Rs. 2000 or Rs. 3000 was provided. Arrangements for food and medicines were made and medical facilities were also provided. But what is happening today? The State Government do not have the resources to fur-

ther provide medicines and food for them. Then, who will make these arrangements? Thousands of people have been affected by this gas tragedy and they are unable to earn their livelihood. The Government should ponder over it and make some arrangements for them. These arrangements have not been made so far. I would like to invite the attention of the hon. Minister to this fact and request him to make some arrangements in this regard, otherwise thousands of people would die of starvation. Thousands of people have died in this holocaust and their families have been given some monetary help by you but this cannot provide them a living for ever. Now their ration, milk and medical facilities are being stopped because they cannot be provided on a perpetual basis. The Government of Madhya Pradesh also cannot make perpetual arrangements for all these things. I would therefore, like to know what arrangements have been made for the widows and the orphans there?

There is one more thing which has been mentioned by other hon. Member also. The Union Carbide is an American Company and it has pleaded that this gas leakage was caused by sabotage. What steps are being taken by our Government to prove that the gas leakage was not due to sabotage but due to negligence on the part of the Company?

The last thing I want to say is regarding compensation. Lakhs of people have been affected by this tragedy and in future also, the effects of the gas would be felt on vegetation and human health. What arrangements are being made to pay compensation for this? In what way would you ask that company to pay compensation to the people so that they could get some relief? I would request the hon. Minister to pay special attention to this aspect. With these words, I support the Bill.

[English]

SHRI AJAY MUSHRAN (Jabalpur): Mr. Chairman, Sir, I welcome the Bill which has been introduced by the hon. Minister for the Bhopal gas disaster com-

ensation. When all of us sitting here, including you, Mr. Chairman, were fighting our grim battle on the ballot boxes, Bhopal was undergoing one of the biggest disasters ever recorded in the history of the world industrial units. On the night of 2nd and 3rd December, there was a gas leakage from the plant belonging to the Union Carbide. As a result hundreds of persons who came in the way of gas flow died. In the case of several others, there was damage to their vital parts—eyes, chests and limbs. Thousands of people left Bhopal on the 3rd of December in panic. This grim tragedy has left certain prominent scars on the town of Bhopal which was once the garden city of India. It has not only created problems of compensation, but has also created certain health and environmental problems, in front of which, in my humble opinion, the compensation problem is very negligible.

Even though this Bill deals only with compensation, I feel that apart from the compensation aspect, there are other aspects, which should also be brought into light in this august House.

There was an element of fear and suspicion created among all the citizens of Bhopal. And it goes to the full credit of the State Government which rose to the occasion. It never allowed the law and order problem to go out of hand. The health cover and other reliefs were given by the Government, semi-Government and social organisations and the situation was controlled.

Though the situation was controlled, you will agree with me that the disaster and its damages could not be controlled, they can only be cured. Unfortunately wrong publicity was given about the number of people who have died and the number of people who are suffering from health hazards. I think one of the victims of wrong publicity was our hon. Member who was saying that 10,000 people have died and 7000 coffins were counted. It is on record of the State Government, they have taken the statistics from various burial grounds and cremation grounds and the figures which have been given officially are found correct. In this Bill which is

[Shri Ajay Mushran]

to be enacted I feel that it is not the number of deaths, but it is the impact which this disaster has left, temporary or ever-lasting, which is to be fought and I personally feel that when this compensation is to be paid and this Bill has been brought forward, it cannot encompass all things and all provisions. Therefore, rules will be made and certain other schemes will be formulated. As Shri Dagaji was saying, it is not possible to include all the things here, but I am sure the hon. Minister will take note of this and as soon as it is possible, those rules will be made and those schemes will be formulated. Otherwise this enactment will not serve any purpose at all.

Today the problem is as I was submitting earlier, more of health rather than anything else. Beside what the State Government has done, there is an immediate need to institute a research centre and infrastructure for this should be created. The hon. Health Minister is here. So, research facilities should be immediately created in Bhopal so that today when you have the people who are suffering, it will create a ready-made research work on objects that will be available to you. The more the delay, Mr. Health Minister, the more you lose the value of research work, and if this disaster has taken place in Bhopal, there is no point in setting up a research centre in Delhi or Bangalore or Madras. It should be set up in Bhopal only. The earlier the better; you will serve the people of Bhopal not only from the compensation point of view, but from the health point of view and the generations of people in Bhopal will be indebted to the House for having taken a step which will go a long way in arresting all the ill-effects which have been created by the leakage of MIC.

So far as the compensations are concerned, the State Government has paid a very meagre sum which it could afford from its own funds, but the other schemes which the hon. Minister will be having in mind for quick compensation should include easy representation by the claimants and the effective and deliberate bo-

structionist activities of the multinational Union Carbide must be arrested and I am very sure the hon. Law Minister is very very conscious of this problem and the hon. Health Minister will make a declaration or a statement in this House. If he is serious about arresting the ill-effects, the far-reaching effects of this gas tragedy, he should immediately declare opening of a health research centre so that he will come to know as to what are the effects of this gas on the human and animal life in Bhopal, and the future generations will bless this House for taking such a farsighted decision,

[*Translation*]

SHRI BALKAVI BAIRAGI : (Mandsaur) : Mr Chairman, Sir, I support this Bill. As the time is short, I therefore, fully endorse the views expressed by my colleague, Shri K.N. Pradhan, who has been elected from Bhopal. He gave a poignant description of the conditions prevailing there and the House has also come to know of the sufferings of the people of Bhopal through him. Therefore, this problem must receive our attention. I would begin with the suggestion that whether you file the suit in India or in America, you must contest the case with full determination and spend whatever money is required to realise the maximum possible compensation from the multinational company which has played with human lives in India, considering that the country is backward and poor. It is quite necessary to do so and for this purpose you may come before this House as many times as you feel necessary and get the necessary legislation passed. In this matter, the House reposes its confidence in you and I am sure that the entire country is with you.

Now, I want to raise an important matter to which attention has not been paid so far and I am sure that I am raising this matter in the House for the first time. As a result of this disaster, many children have been orphaned and they are the children of Hindus, Muslims and Christians and no one is there to look after them, or to wipe off their tears. No one is left to think about their education and treatment. In such a situa-

tion an international conspiracy can be hatched and foreign agencies might take these children out of the country in the name of adoption. I appeal to all the political, social and religious in situations to ensure that these children are adopted by some institutions or families and they remain in this country following their respective religions and live with respect. If these children go out of India, their names, religion, etc., would be changed, and when they grow up, they would spit on our faces thinking that these were the people who in their youth and old age threw them out of the country and did nothing to wipe off their tears.

I would request the Government of Madhya Pradesh that at least for the next 20 years they must make provision in their Budget for the education, employment and special facilities for these children so that they may not feel helpless and the Central Government should also advise the State Government to this effect.

This legislation which has been brought here has a specific purpose and relates to the Bhopal gas tragedy. Therefore, I would like to submit that keeping in view all the multinational companies working in our country, a new Bill should be drafted which should provide for prompt action in case of recurrence of such a tragedy.

Endorsing the views of Shri Daga, Shri Vyas and Shri Mushran, I would say that it should be investigated whether it was a conspiracy or whether we were subjected to some experiment in Bhopal.

Lastly, I would say that in Bhopal there are three categories of people affected by the poisonous gas; those who have died; those who are dying; and those who will be still-born or will take birth but will die due to this reason. The hon. Minister should consider all these aspects and make some arrangements to heal their wounds. In these efforts all of us will share your burden.

If the hon. Health Minister is listening to me, then I would submit to him that

he should consider the setting up of a Medical Research Centre in Bhopal, for which we would be thankful to him.

*SHRI R. ANNANAMBI (Pollachi) : Mr. Chairman, Sir, on behalf of my party the All India Anna Dravida Munnetra Kazhagam, I rise to say a few words on The Bhopal Gas Leak Disaster (Processing of Claims) Bill, 1985.

Sir, this lethal gas leak took place on 2nd and 3 December, 1984 at Bhopal. At the same time in Tamil Nadu and in Andhra Pradesh there was disastrous cyclone in which thousands of common people were afflicted. In Tamil Nadu our beloved leader Puratchi Thalaivar Dr. M.G. R's State Government took prompt steps for alleviating the misery of the masses. Similarly, in Andhra Pradesh, Shri N.T. Ramarao's State Government rendered immediate relief assistance to the afflicted people. Here, on the 4th of December, 1984, the worthy son of the former great Prime Minister Mrs. Indira Gandhi who today personifies in himself the hopes and aspirations of young India and who is at the helm of affairs of the country, rushed to Bhopal to console the people in distress. He took personal interest in the relief measures. He assured through Press and Radio that the Government of India will spare no efforts to ensure immediate relief to the victims of this tragedy. From his Relief Fund, he gave financial assistance. Our Prime Minister, Shri Rajiv Gandhi, has endeared himself to the entire nation by taking prompt and quick decisions in this regard. The State Government of Madhya Pradesh also deserves approbation for maintaining law and order during the two days of chaos.

16.00 hrs.

Sir, I have to say that these two days were the days of total gloom in human history. These two days also revealed how human greed does not hesitate to exploit human misery also. From all over the world the newspaper men and photographers descended upon this city

*The speech was originally delivered in Tamil.

[Shri R. Annanambi]

of misery. They took photographs of the suffering people ; they mindlessly asked questions of the people in sorrow. Many lawyers from the USA also came to Bhopal. They took thumb impressions and signatures of the victims, assuring them that they would file against Union Carbide in U.S.A. and get them compensation. They did not bring the much needed medicines with them; on the other hand, they wanted to drag the Company into endless litigation. We cannot just say that this tragedy occurred as a consequence of Union Carbide's negligence. We have to condemn the callous approach of the Company in extending instantaneous medical advice to the private Doctors who were besieged by the victims. Those living outside the compound of the factory perished. When the gas started moving many others felt the irritation in the eyes. The Company Doctors knew the palliatives for this. But they did not advise the private medical practitioners to adopt such treatment. These Company Doctors should be proceeded against in the Courts for this blatant crime.

Again it is our young Prime Minister, Shri Rajiv Gandhi who rushed the Attorney General to the USA for getting a personal assessment of the development in the USA. Immediately he has ensured the promulgation of the Ordinance by the President for getting claims dealt with speedily, effectively, equitably and to the best advantage of the claimants. He has brought this Bill to substitute the Ordinance. Now the Central Government will have the necessary powers for protecting the people afflicted in this tragedy and for preventing legal deception. I am sure that the Central Government will rescue the hapless victims from unscrupulous lawyers. I will take the opportunity to suggest the constitution of National Calamities Fund, both for natural calamities like earthquake, floods etc. and also for scientific disasters like this.

16.04 hrs.

[MR. DEPUTY SPEAKER *in their Chair*]

The Madhya Pradesh Government had

declared Rs. 10,000 for the dependents of deceased, 2000 for the grievously injured and Rs. 1000 for those suffering from simple injuries. Only a few people got this financial assistance. There was some confusion about the definition of grievous injury and simple injury. The Government of Madhya Pradesh ordered a survey to be completed first. Unfortunately that survey came to a grinding halt in the middle and the financial assistance has also stopped. I demand that this survey should be completed expeditiously and the financial assistance must be rendered to the victims of this tragedy. I would also suggest that N.K. Singh Commission's report should be expedited. The guilty should be punished at the earliest, before the relevant evidence is destroyed. With these words, I once again support this Bill of human compassion and resume my seat.

SHRI AZIZ QURESHI (Satna) : Mr. Chairman, Sir, Bhopal, which is the capital of a very large State of Madhya Pradesh, which is surrounded by the hills of Vindhya, which is beautified by ponds and lakes, where the evenings are pleasant and the atmosphere is melodious and full of piety, became the victim of a big disaster. Sir, that same beautiful city became the city of death on the night of 2nd and 3rd December. No one remained to take care of the widowed, the uprooted and the helpless people and the women who lost their children.

Sir, I agree that no words are adequate to commend the work done by the Madhya Pradesh Government and the Chief Minister and particularly by our Prime Minister to provide relief to the frightened people of Bhopal. But there are certain doubts which still frighten the people of Bhopal and compel them to live under the shadow of death. I want that the hon. Minister should pay heed to those questions and assure the House that the Government would take action in that regard.

Sir, the first question which is still causing fear and apprehension in the minds of the people and about which prominent newspapers of Madhya Pradesh

have also reported, is that in the Union Carbide factory, gas is still left in the tanks and it has not been completely neutralised and at any time the gas may leak and Government may have to get the whole of Bhopal vacated to get the gas tanks emptied. The newspapers there have published a news to this effect and have given figures. I am saying this because so far neither the Madhya Pradesh Government nor the Central Government have given any clarification about it nor have they contradicted it. Thus, the people there are still living in the shadow of death.

Sir, the second thing towards which I would like to draw the attention of the House is that a large section of the people feel that the incident which has taken place in Bhopal is not an ordinary one and that it was a rehearsal and an experiment in chemical warfare which the imperialists carried out in Bhopal. I am not the only one to say this; the Chairman of the World Peace Council said this in Bhopal at a press conference where correspondents of all the Indian newspapers were present. This has not been contradicted by the Government of India or the Madhya Pradesh Government. Not only this, a prominent leader of an all India recognised party, who belongs to Madhya Pradesh, disclosed in Bhopal that two American Military Generals had visited Bhopal and stayed in the Union Carbide factory two days prior to this incident. This has been published in the newspapers. This experiment was conducted under their supervision and this too has not been contradicted or clarified by the Government.

Sir, the third thing which I would like to submit is that the Union Carbide have levelled charges against the Madhya Pradesh Government and *Vice Versa*, which have yet to be decided. I would like to ask the hon. Minister whether he has made inquiries to find out whether the electrified system in the Union Carbide factory in Bhopal which is installed in every factory of this type, was functioning Under this system, there are arrangements to burn the gas automatically with electric current in case there is leakage

of gas. I feel it may not be possible for the committee to go into this aspect because Union Carbide authorities can use their influence at any level. I would like the hon. Minister to constitute a committee of the Members of Lok Sabha to get this aspect examined. I want that the hon. Minister should clarify the position in this regard.

Sir, I have said earlier also that the Government of Madhya Pradesh have done a lot which is commendable but you must go and see the condition of the thousands of poor workers who are living a hapless life. You should prepare a scheme for their rehabilitation. Unless we guarantee continued employment to those widows and orphans who have lost all their family members, the purpose of this Bill will not be served. I would, therefore, urge the hon. Minister in the name of the widows and the orphans and other people of Bhopal in distress that you may bring forward whatever Bill you want, you may file any case in the Indian or the American Courts, but your decision will not be fruitful till the affected people accept it fully. There is a court above all the courts and that is the historian of the future. It is he who will analyse your as well as our actions and it is posterity that will decide whether we discharged our responsibility properly or not. I would like to say to the hon. Minister that if we fail in discharging our duties then the historian as well as posterity will put us in the dock and curse us for ever. I would urge the hon. Minister not to disappoint posterity and the future historian, and our course of action should be such, as may not give a chance to the future historian to raise finger against us.

With these words, I support the Bill.

[*English*]

SHRI NARAYAN CHOUBEY (Midnapore) : Sir, while introducing this Bill, the Minister has said that it is the firm intention of the Government to secure just and fair compensation either inside India or outside India, either in the Indian court or in the U.S. court. This is a limited Bill; the Bill has the limited intention of securing compensation only.

[Shri Narayan Choubey]

But the tragedy of Bhopal is not limited to this thing only. The Government is quite silent on this matter. The Bhopal gas leakage tragedy is the biggest environmental disaster in India—not only in India but in the whole world. Do you know how many people died? They say 2,500, but some people say that the number is much more; people maimed and injured—more than two lakhs; people who are suffering from acute troubles—more than 50,000. For three days continuously the *Times of India* was giving reports and illustratively it is quite clear what suffering Bhopal is going through. These 50,000 people have serious ailments of kidney, eye, liver, brain, respiration, etc and a vast majority of the people have lost their power to work. They cannot go to work. All these things have been done in Bhopal. Even some of our friends of the Congress Party are saying very correctly that it is the act of the multi-national corporation whom Communists regard as enemies of the world people... (*Interruptions*). So you also regard them as enemies. It is fine. To-day you are inviting multi-nationals in other ways if not these chemical people. You are inviting multi-nationals in other ways. Perhaps such a tragedy has never taken place anywhere in the world after Hiroshima and Nagasaki. And this tragedy is not a tragedy like an earthquake or flood or any other natural disaster. It is man-made. And this gas which was leaked was a gas which some people say this company has been using in preparation of weapons, gas weapons which are used in Vietnam. Such things were perhaps being prepared here and perhaps just now as my friend of the Congress Party said that perhaps it was their testing ground. You know pretty well that these multi-national corporations use the third-world countries as their guinea pigs for their tests and perhaps it was their testing site. So I hope that the Government should rise to the occasion. As yet the Government has not risen.

The suffering of Bhopal has not ended. It is still continuing. The reports in the *Times of India* have said that when they visited Bhopal three months ago people

who were healthy at that time are now weak. People who were not having ailments are now having ailments. People who should work at that time cannot work now. So all these effects are continuing. Labourers cannot go to their places of work. Women cannot perform their duties. This is what is going on.

Regarding treatment, the ICMR had an extensive and rigorous testing and they have proved that cyanide poisoning is very much present in Bhopal. Even the post-mortem conducted by the Government has proved that cyanide poisoning was present in those bodies. But the medicines which are being supplied are not the correct medicines. The main medicine which is required is Sodium diosulphate is not being supplied in many places. Not only that, what the ICMR has proved after extensive and rigorous testing, attempts are made to dilute it. Such is the influence of this multi-national corporation that they have been successful in influencing a large number of physicians and doctors at Bhopal. And now the Bhopal doctors or at least a section of them are propagating that cyanide poison is not present or attempts are being made to create confusion. And naturally the scientific treatment which is supposed to be given there to the patients is now turning into a symptomatic treatment and the scientific treatment that is suggested by ICMR is yet to come to these people of Bhopal who are still suffering. Naturally, I do want as our other friends also have wanted that some special hospitals to meet the occasion or at least one such hospital should be set up in Bhopal so that the real treatment can be given. It has been proved that the treatment given by ICMR is much more effective than the one being given by other doctors only on symptoms.

Regarding relief the less said the better. Paper reports give a picture of an appalling state of affairs. Several thousands of people affected by this tragedy as yet have received no relief because they have no ration cards. Only ration card holders have been given relief and are being given relief. Those people who have no ration cards did not get relief. Sir, much talk has been made about 12 kg wheat, milk,

etc. having been given to these people. Already about wheat it has appeared in the Press that the quality of wheat is very bad. It is full of stones and then what actually reached them was only one-fourth. The middlemen are minting money whereas Government is spending the money.

I would also like to point out that relief is being given on *ad hoc* basis, that is, month to month basis. The last *ad hoc* relief was ordered to be given just prior to the Assembly elections. I beg the Government of India kindly to continue giving relief. Since elections have ended and you have got votes so relief should not end. I would also like to say that this relief consisting of wheat, etc. only would not do. Suffering people must have proper medicines and nutritious food. That attempt should be made by the government.

Regarding this case I fail to understand why you should go to USA. They did the mischief here and why are you going to USA? Why can't you bring them here? I want to say that the Government is adopting a very callous attitude. Mr. Anderson, Chairman of this company while he came to India was arrested and there was a big flash in the newspapers about his arrest but in the evening he was released. He was not only released but also brought to the airport and given a VIP goodbye. He was allowed to go in an executive class. So, how can you catch hold of them.

Sir, the Union Carbide is not going to bow down easily. Already they are trotting out their theory that they are not responsible and sabotage is the main reason for death to which this thing took place. So, our Government must be cautious. Today's papers state that the Union Carbide people at Bhopal have even refused to submit the statement before the court at Bhopal saying that CBI people have been putting restrictions on their entry into the factory. Such things are being done. In the meantime we are hearing our Indian brethren who are serving in Union Carbide like Shri Harish Mahendra who has said that he is sorry that he is an Indian,

‡ May be we are sorry that he is an Indian as he is serving his white masters more than he serves the people of India. We are also hearing—I do not know why—that out of court compromise is being attempted. Why? Is it not humiliating on the part of Government of India to come to an out of court compromise with Union Carbide, I submit that this thing should stop. These cases will take a long time to get settled. Mr. Anderson has declared that they are not going to accept any responsibility for these losses; he said that his plant was not at all at fault in any way. He said this categorically in the USA. Now, if the cases linger in the USA like this, what will happen to the victims who are numbering lakhs? How long can they wait till the cases get settled in the courts? What I feel is this, Government of India, on its own, should take steps to compensate the people and then adjust the amount when the case is finally decided. If the case is lingering for 5 or 6 or 7 years the people will be finding solace only in death; compensation for them will be only quicker death. I hope that Government of India will take needful action in these matters. With these words I conclude, Thank you.

SHRI K. RAMACH ANDRA REDDY (Hindupur): Sir, I am very happy that the Central Government has come forward with this legislation. But the question is, what is it that can be achieved? Is the legislation free of all loopholes? Can the court in America or in India twist the case and make use of other loopholes in the Act to the detriment of the claimants? Sir, I find that three are number of clauses here which are very loosely worded. They can be interpreted in any way you like. What is the real intention and thinking of the Government to help these victims? The Chairman of Union Carbide came here; a show of arrest was made; he was released on bail and a VIP treatment was meted out to him. This only shows the real intentions of the Government. Rash and negligent act has been there on the part of Union Carbide. Because of that lakhs and lakhs of people have suffered; thousands lost their lives. In such a case what should have been done by the Government? They should have immediately launched

[Shri K. Ramachandra Reddy]

criminal prosecution under section 304 of IPC or sections 332 to 336 of the IPC. But the Government did not do any such thing. The Chairman of Union Carbide was just allowed to go away on bail. If the case had been registered under the above sections he would not have been allowed to go to the USA. This is only a case of rash and negligent act on the part of Union Carbide. This factory emits gas which is obnoxious. All safety precautions should have been taken but they were not taken. I am told that the safety system became inoperative. That means, they did not choose to repair it. Nearly 3 or 4 times earlier there was leakage of gas and some people died. All these things clearly show that Union Carbide has not been taking proper precautions in the matter. So, there was rash negligence on their part. They did not choose to take necessary precautions to safeguard the public against this obnoxious gas. These people should have been prosecuted as I said, under the relevant section which I mentioned. But the Government did not choose to do that.

I will now substantiate my point how this Act is loosely worded.

Sub-section (3) of Section 3 states :—

“Provided that in the case of any such suit or other proceeding with respect to any claim pending immediately before the commencement of this Act in or before any court or other authority outside India, the Central Government shall represent, and act in place of, or along with, such claimant, if such court or other authority so permits.”

Now, Sir, this is with respect to those cases which have been launched prior to the coming of the Act. If the Court permits this, they will act and if the Court does not permit, what are they going to do? In this way it is highly doubtful if any justice can be done or they will be left to their fate.

The second thing is that in the Sub-Section (2) clause B of the same Section,

that is, entering into compromise, what is the *locus standi*? Are they going to take the victims into consideration? All these things have been left out. The intention of the Government is a little doubtful. By enacting this Act, the Government is trying to take a *locus standi* to represent the plaintiff who will sue the defendants.

Now, you are amending this Act and you are trying to say that you have got the *locus standi*. Probably this Act may be binding upon the Courts in India. If you are not going to prosecute them in India but only in America, how is this Act binding on American Courts? You are supposed to make the claims in American Court. But is this Act binding on American Courts? I do not know whether the Government has taken due care in this matter.

As far as the jurisdiction is concerned, now, the cause of action occurred in India, victims of the gas stragedy are here, the factory is here and the owners who are the defendants are here. But I do not know why we should go to America. The reason is that by going to America, you may get a few chips more, the compensation may be more. But the degree of compensation is not only consideration. It is only for a few chips more that they are going to America. If the Government is taking into consideration the value of those who have lost their lives, those who have lost their parents, lost their wives husbands and children, I feel the whole money at the disposal of the Union Carbide will not be a fit compensation for the loss, anxiety and torture suffered by the people. A number of people have suffered a lot of injuries and the Government which is so intent to come forward with such a legislation, what is it they have done to safeguard the victims? What will they do with regard to the victims? You did not provide relief to the victims. You did not get them treated properly. Probably you made a semblance of treatment and relief till the elections were over.

Now, with regard to those people who have suffered injuries, what are the

evidence ? Have you got *post mortem* certificates or the people who have died ? Have you got certificates of those who are injured ? It is said that over 2,500 people have died. Some have run away from Bhopal immediately after the tragedy, some have died in the fields, some have died on the way. How are you going to take these things into account and how are you going to obtain certificates for them ? After the tragedy was over did you make a search of the Union Carbide premises with the help of some experts to find out whether the leakage is due to negligence or otherwise ? You should be able to prove that the ghastly tragedy occurred due to negligence of the Union Carbide. What is the proof for this ? You did not know how the disaster has occurred. How are you going to prove your claim ?

In any case, it appears that this Bill has been brought forward to satisfy the public at large and it is not intended to benefit the victims. If you really want to benefit the victims, in that case all the loopholes pointed out by me and other hon. Members should be plugged. Anyhow, I commend this Bill because at least some steps have been taken in this direction.

[Translation]

SHRI ABDUL RASHID KABULI (Srinagar) : Mr. Deputy Speaker, Sir, in this august House, a detailed account has been given about the tragic incident which took place in the Metropolitan city of Bhopal, which is a centre of the civilization and the culture of India. The disaster which took place there was in no way less intense than what had happened in Hiroshima and Nagasaki or the explosion of 1976 in Italy which resulted in leakage of gas from a pesticide plant and caused immense havoc. The tragedy which our country had to face due to the plant of the Union Carbide of U.S.A. was a great tragedy. We are being informed that about 2,500 persons have died there but the correct figure is not being revealed. It seems that the number of persons who died is much more. So far

as the magnitude of the calamity is concerned, as per the press reports, more than two lakh persons have become victims of different kinds of diseases and no one knows for how many generations the poisonous effects of the gas would be felt, as had happened after the atomic explosion. It was reported in the press some time back that a child born after the Bhopal tragedy was found to be deformed. This is not only a disaster of our time but it will have its impact in the coming years as well.

I am greatly pained to say that the Central Government have not given due importance to the tragedy which has taken place in Bhopal, the capital of Madhya Pradesh and one of the biggest cities of India. The Government have not treated it as a national tragedy. Everything has been left to the Madhya Pradesh Government. So far as Madhya Pradesh is concerned, it appears from the press reports and from what the hon. Members have stated in this House, the Madhya Pradesh Government have also failed in their duty. Apparently, the Madhya Pradesh Government spent Rs. 10 crores, but according to the newspaper reports, even the survey work has not been completed. The survey work was to be undertaken by the Tata Institute of Bombay in cooperation with Colleges of Social Studies. But they have also given up the job of preparing the report since last month. It seems that the incident is being presented in a distorted way. A great tragedy has taken place but the agencies involved in the survey of it are not carrying on their work properly. A report to this effect has appeared in the three consecutive issues of the *Times of India* in a serialised form and in other newspapers also. Now the situation is that most of the items of ration which were being provided so far, e.g. 15 kg. foodgrains, $\frac{1}{2}$ kg. sugar, $\frac{1}{2}$ kg. oil per head, have been discontinued. We are not receiving full reports regarding those thousands and thousands of people who have died or have been rendered homeless. The sad part of the whole matter is that in the Bill which has been brought forward by the Government there is no mention of compensation. That is why we are opposing this Bill. This Bill is not related to compensation, it

[Shri Abdul Rashid Kabuui]

is about litigation. The Bill seeks to confer certain powers on the Government of India to secure claims in the litigation against the Union Carbide of U.S.A. for compensation for loss of life or personal injuries. Outwardly, it appears that a big step is being taken but how much time would the litigation with the Company of the United States take? Another fact which has emerged from this Bill is that the process was initiated after studying the law of the United States and of this country; but how much time would it take? You have specified an amount in this Bill and have decided to appoint a Commissioner. Regarding expenditure on this account, you have stated in the Financial Memorandum :

[English]

“...appointment of Commissioner for welfare of the victims of the Bhopal gas leak disaster and of other officers and employees to assist him...”

[Translation]

It has been stated in the Financial Memorandum that Rs. 1,25,000 would be spent on the salaries and you have placed the demand for it before the House. Along with it you have stated :

[English]

“The provisions of the Bill do not involve any other expenditure of a recurring or non-recurring nature.”

[Translation]

But there is no mention of providing assistance. You have simply said that you want to start litigation. I want to say that the whole approach is wrong. In fact, it is the duty of the Government to find out about the individuals who lost their lives or about the entire families which perished. There are hundreds of houses where not a single person survived. Besides, the whereabouts of labourers or persons who worked on daily wages are not known. So I think the Government of India should ensure that

the survey is completed early so that you can find out the total number of persons who lost their lives or who suffered personal injuries and thereafter take the matter to the courts. Firstly, you should try to find out how many persons have suffered in this tragedy and are suffering even now or how many persons are not getting meals and whose children have been deprived of education or what the numbers of those widows and orphaned children who have no means of livelihood are. After getting all this information, you should take steps to solve their problems.

So far as litigation with the multinational company, Union Carbide, is concerned, what is the number of deaths in respect of which claims are being filed against the Company? Some say that 10,000 persons have died and some say that 15,000 persons have died. Some are still facing death in their own homes. So, you should do contest fight the case with the Union Carbide after preparing a full report in this regard.

It has a moral aspect also. You should take up the matter with the United States at Government level also. Our country is not a money-making market where big companies may open their factories without adopting any safety measures. The facts have come out that this machine was meant for making money, as a source of increasing income. The Union Carbide, factory did not care for the lives of lakhs of the people of this country. So, I think you should take up the issue at the United Nations level.

With these words, I conclude my speech.

[English]

SHRI K.P. UNNIKRIISHNAN (Badagara) : Mr. Deputy Speaker, I am grateful to you for giving me this opportunity to speak on this subject. I warmly welcome this Bill. I think there has been a misunderstanding among the members about the aims and objects and it has not been clari-

fied in aims and objects that have been set out here. I welcome it because it is only an enabling legislation to process claim and seek claim. Since the time at my disposal is short, I do not want to go into the various dimensions of this tragedy which has on parallel in the post-industrial history of the world nor shall I go into various moral and other aspects because I know that you will ring the bell. So, I would like to confine myself to certain essential points which are very important when we consider and approach this problem of claim, that is to provide meaningful relief for thousands of families who have suffered in Bhopal. I shall not go into the various consequences and other related matters which are of tremendous importance, whether of industrial safety operation of multi-nationals or level of technology and so on.

You must have observed that there has been an invasion of United States lawyers to Bhopal and India—People who have never been here before. I have a grave misgiving and suspicion about this invasion and I do not want to go into the details of this now. But I must share this information with the Minister and the House that at least in some of these cases—I do not want to discuss it publicly because it is not proper—these lawyers have been inspired by Mr. Kelley, Dryer and Warren, Leading corporate law firm of New York, who is also attorney for Union Carbide, US. Therefore, we have to be very careful in dealing with this problem because we cannot allow Union Carbide, US or its delinquent subsidiary in India to trade in blood and misery. Therefore, the Government of India will have to take care. I wish the Law Minister was here today. I would have liked to pose certain questions to him more than the Minister of Chemicals and Fertilizers. These questions in terms of claim of compensation ought to have been clarified by the Law Minister. We have to understand certain things of the legal framework of this case. The Union Carbide, US, which is a very big multinational is the parent company and the parent company is only supplier of technology. They would go and say, as they are doing now, that it is a contributory

negligence of the subsidiary company which is responsible for this tragedy. There are certain important issues. I do not want to go into all this. One is about the jurisdiction of court which will come up, because the Indian lawyers as well as the American lawyers on this point, I am sure the lawyers will agree with me, is based on English common law. Therefore, the case must be heard here in Indian court because the incident occurred in India: both the plaintiff as well as the primary defendant that is Union Carbide are in India. The basic and related evidence can also be related to from the Indian environment. You will have to argue that in exceptional circumstances it can be heard in American courts, because we will have to then say that justice will be denied in Indian courts, the claimants will have to say that because Indian courts and the Civil Procedure Code require that ten per cent be paid of the claimed amount,— unless you are going to change that also. But, can the Government of India be a party to such a thing which will soil our own reputation, and go into an American court, and say that justice will be denied in India, “so we are seeking jurisdiction here”? So, therefore, even if all these claims and counter claims are made before U.S. courts, it will take at least two to three years for the primary issues of jurisdiction matter alone to be settled.

Then there is an important and fundamental question of the liability of a foreign company in such circumstances. Now, it will depend upon lot of evidence, but here also there is a pitfall, Mr. Deputy-Speaker, that it will be heard by an American jury, if it is to be heard. And I cannot imagine a situation, given the context of American economy and influences that are at work in the United States, where any jury in the United States would award a verdict or a judgment which would have far-reaching consequences for them? This again you have to look at from a time-frame. You must be prepared for a long-drawn legal battle.

Then there is the question of quantum of damages. In many cases in the United States you will find, as well as in India in

[Shri K.P. Unnikrishnan]

some cases, the question is the reasonable expectancy of life. That will be a determinant factor which in the case of India or Bhopal I do not know what it could be, how it will be interpreted and there is also the real danger that if an exceptional award is given, the Company can go bankrupt. Please do not think that it is not possible. If you examine the corporate history of the United States, several such cases have been there. Recently, there has been a case of a huge multi-national John Mansville going bankrupt. And then there is a question of secured creditors whose claims will have also to be verified. Therefore, Sir,...

SHRI H.A. DORA (Sri Kakulam) : He went bankrupt after alienating properties in favour of his wife.

SHRI K. P. UNNIKRISHNAN : Therefore, we have to tread very warily here.

There is also a very related problem. I am sure, you may not be able to answer some of these points. I would have preferred if the Law Minister was here, to reply to some of these questions. There is also the question of insurance companies that is, the liability of Indian insurance companies who have insured this plant, even though there must have been re-insurance with other insurance companies must have occurred and we might be recovering some part of the damages from the Indian companies, nationalised companies themselves. So, the quantum of such an exposure will also have to be weighed.

These are some of the problems which will come up and which will have to be studied at length, before we process these claims. It is not enough for us to be careful. Please remember one thing. I have seen some reference to the Boeing case which is going on. The Boeing company is a company located in and operating from the United States. Here in this case the legal framework is essentially different because the plant was owned and operated by a subsidiary of a multi-national.

Subsidiary company is a separate company it as has always been. That is why I have been saying for a long time-long before this tragedy-that this problem will have to be looked into and that we will have to tie down these multi nationals with certain amount for such contingencies if they want to invest here. I do not want to take much of your time. I only wish that the hon. Minister for Chemicals and Fertilisers as well as the Ministers of Law and Finance will look into this problem. It is also possible to get not merely legal advice from the Ministry of Law or the Attorney-General, but to get such legal advice as is required in this case.

A reference has been made that we should rule out the question of any settlement or compromise. In this case, I am primarily interested in providing meaningful relief for the victims. I do not think that we should tie down the Government by saying that we should not talk to this Company or we will only settle it in the Indian court or the US court. You cannot rule out any possibility. And to rule out such a possibility would only get you involved in a situation where you would not be able to provide any relief for the victims at all. Therefore, judging it purely from a political angle, that we should rule out any settlement or any negotiation with the Union Carbide which is a multi-national, would be counter productive. I do not want the Government to be tied down in any manner because this will have to be dealt with at various levels and I am sure that our Government will be able to deal with it.

SARI VEERENDRA PATIL : I am happy that almost all the hon. Members, who have participated in this discussion, have welcomed this piece of legislation. I need not repeat what many of the hon. Members have said.

So far as this legislation is concerned, its purpose is very limited. The purpose, as has been made very clear in the Bill is to take powers so that claims should be processed and dealt with speedily, effectively, equitably and to the best advantage of the claimants.

The tragedy that occurred in Bhopal on 2nd and 3rd of December, 1984 was unique and unprecedented in character and magnitude not only for our country but for the entire world. Nobody had anticipated the magnitude of this tragedy. So it is a disaster. After this disaster has occurred, whether it is the State Government or the Central Government, that way the entire society is responsible to see that those who are victims of this tragedy are looked after very well and their interest is safeguarded.

17.00 hrs.

I do not wish to go into the details about the relief measures that have been taken by the State Government and to what extent the Central Government has gone to the rescue of the State Government in providing relief to the victims. The relief work is still continuing.

Some hon. Members wanted to know why Government should not file the cases in Indian courts, some hon. Members have already come to the conclusion that Government has taken a decision to file the cases in American courts. So far as this Bill is concerned, nowhere it is said that Government is going to file these cases either in Indian courts or in United States courts. But this Bill, as the hon. Member Mr. Unnikrishnan has pointed out just now, only enables the Central Government to have three options. It gives three options to the Central Government. One option is to file the cases in Indian courts, the second option is to file the cases in American courts and the third option is that whatever course the Government takes, it should be to the best advantage of the claimants. So, the interest of the claimant or the victim is uppermost in the mind of the Government of India. Supposing an offer comes that the company is prepared for a compromise, and if that offer is going to be the best offer in the interest of the victims, as the hon. Member Shri Unnikrishnan has pointed out, why not we consider that option? So, these three options are open to the Government of India. Whichever option is in the best interest of the victim, Government will certainly consider that

option. That is why after the Bhopal tragedy a Cell has been created in the Law Ministry to go into the legal aspects of the problem and whatever measures have to be taken in order to safeguard the interests of those victims, all those measures are being taken. I am going to give the details just now. There are some eminent lawyers on the other side who were arguing why we want to go to the American courts; if necessary, why not have a tribunal here and file the cases and get the settlements as early as possible? Supposing for argument's sake I say all right, we file the cases in Indian courts and get a decree. Then where to execute that decree? If we want to execute that decree in India, then to the extent the property belonging to the Union Carbide is available in India, we can recover, we can realise and then pay to the victims. But is that enough? Then again for execution we have to go to the American courts and there we have to say that this is the decree our court has given and we want to get it executed because the company is in their country. One doubt was expressed by Mr. Unnikrishnan. I must make it clear now that it is a parent company.... (Interruptions).

SHRI H.A. DORA (Srikakulam) : I may be permitted to say one thing at this particular stage. The Act is quite silent on the charge created on the properties of the Union Carbide Ltd. What I mean is suppose a charge is not created and attachment of the properties before judgement is not there and suppose the properties are alienated by the company in favour of some third party, then the composition that is to be awarded by the courts will become infructuous. So, is there any provision which provides the attachment of the properties before judgement about the compensation is given?

SHRI VEERENDRA PATIL : The hon. Member is referring to the attachment of property.

SHRI H. A. DORA : Suppose the property is alienated in favour of a third party? Then, we cannot attach the property after the verdict has come.

SHRI VEERENDRA PATIL : The hon. Member is referring to the question of attachment of property. If it is a question of attaching property in our country, certainly we can consider it. But, can we, sitting here, attach a property which is situated or located in other countries? Can we do that?

SHRI H. A. DORA : Suppose a charge is created on the properties of this company in India with retrospective operation, that will safeguard our interests. Otherwise, suppose it is alienated, what would be the fate of the victims?

SHRI VEERENDRA PATIL : I want to make it very clear that our proposal has been to proceed against the parent company. I will clarify the position. I do not know whether it is correct to say that company here in India is a subsidiary company. It is a FERA company in India and the Union Carbide of America has got 51 per cent shares in it. So, there is no question of parent company and subsidiary company and the parent company saying that it is not their responsibility, it is the responsibility of the subsidiary company. We are proceeding against the main company, the parent company. That is the problem we are now dealing with.

The hon. Shri Janga Reddy wanted to know why Government has not proceeded with or prosecuted the Union Carbide. In my statement last session, I made it very clear that the State Government has prosecuted the company and the case is pending. The State Government entrusted the investigation to the CBI, which is going into the matter. So far as the causes and other things are concerned, as the hon. Members are aware, they are being enquired into by a commission appointed under the Commission of Inquiry Act.

Another doubt expressed by some hon. Members was, what will happen to the cases which have already been filed. It is true that immediately after the accident some advocates, lawyers and attorneys came here, tried to collect some signatures, went back and filed the cases in the

courts there. In this Bill we are taking exclusive right. With regard to cases which have already been filed, I invite the attention of the hon. Members to the proviso to clause 3(3), which reads :

“Provided that in the case of any such suit or other proceeding with respect to any claim pending immediately before the commencement of this Act in or before any court or other authority out-side India, the Central Government shall represent, and act in place of, or along with, such claimant, if such court or other authority so permits.”

So, we have already taken these powers under this Act. We are going to represent to the courts whether we can represent the claimants. We want to put it before the courts. Supposing the court does not permit it, then, sitting here, by passing a legislation here in our Parliament, we cannot bind the hands or tie down the hands of the courts in other countries. That is why we have to make a provision. We can do that only if the court permits. Therefore, the problem of the cases which have already been filed has been looked into and it has been taken care of by this proviso.

Hon. Members wanted to know the details about death and injury, how many people have become disabled and how many are still suffering. I can only say that so far as immediate effect of the poisonous gas is concerned, the State Government is collecting that information. About the number of deaths, whatever figures the State Government had been able to collect, I have already given. Still the State Government is collecting this information. They have already entrusted this work to the Tata Institute of Social Sciences. They are still collecting this information. According to my information, I do not think the organisation to which this work has been entrusted, has made a final report. As I made it very clear in the beginning this is an unprecedented tragedy, we cannot fix a time limit and say that before that time limit is over, the report should be ready.

On the effect of this poisonous gas on the health of the people several studies are being conducted by the State Government and several other organisations and these studies are going on. But, as Government of India, we are concerned about the long-term effect of leakage of this gas on the health of the people. That is why recently the Government of India has taken a decision to appoint a Commission for the purpose of medical and scientific studies on the life systems. It is for the purpose of obtaining authoritative information and producing valid hypothesis with the objective of devising the best of therapy for restoration and relief. They will ensure a well-conceived and well-formulated approach for continuing the studies already initiated so that apart from the affected persons, posterity may stand to benefit from the data so obtained. So, the Government of India has already taken a decision to appoint such a commission and such a commission is going to be appointed very shortly.

Some hon. Members suggested if there is any compromise, then the consent of the affected party should be obtained before compromise is effected or settlement is arrived at. I do not think this is possible, because we are taking this power for collective action. When we are going to file the claims on behalf of thousands and thousands of victims who have suffered because of this tragedy and if we are going to have a compromise on their behalf, is it possible for us to go to everybody and seek their consent? Physically it is not possible. The Government is doing all this in good faith and not for any other purpose. We are not here to safeguard the interests of the Union Carbide. We are not working here as their agent. On the other hand we are very sorry that such a tragedy has occurred in our country and it becomes the duty of everybody to see that the interests of those who have suffered should be safeguarded at our cost. Therefore, the Government of India is bearing the entire cost so far as the litigation is concerned.

I want to make one point clear that although three options are left, so far as the option of filing the cases in American

court is concerned, I think we have to take a decision very quickly, because I am told the cases which are already filed in American courts, although those cases have been adjourned, not those cases are coming up for further hearing on 16th of April. So, before that date, it appears that a decision has to be taken.

So, I want to give some information because although the options are open, it does not mean that we are still considering and we have not taken any action. We are taking all precautions and we are taking all necessary actions in this regard so far as filing the cases in American courts is concerned. If it becomes necessary and if it is in the interest of the victims, then the time is very short; so we have to take a decision.

Hon. Members are aware that in this connection our Attorney General had been to the United States of America and very recently our Law Secretary also had been to the United States of America. So far as filing the cases in the United States courts is concerned, the Government of India has already appointed M/s Robins Zelle, Larson & Kaplan, a renowned top litigation firm of U.S.A. to represent the Government of India in case it is decided to file a suit in the U.S. court. With the assistance of this firm a draft complaint has been prepared. To finalise this draft complaint, representatives of this law firm have already arrived in our country. Today they have come to our country, for representatives of this law firm have arrived in India today. The purpose is to finalise this draft complaint so that we are in a position to file the complaint well before the next date of pre-trial hearing of the case already filed in the U.S. court. The next date of hearing is 16th April 1985.

Sir, hon. Members wanted to know how much damage we are going to pay for, what is going to be the quantum of compensation.

SHRI H.A. DORA : Irreparable damage has already been caused.

SHRI VEERENDRA PATIL : Sir, in all these matters we are guided by our legal experts, we are guided by the officers who are working in the cell and if the cases are going to be filed in U.S. court we are naturally to be guided by the attorneys who have been appointed or the law firm which has been appointed for this purpose. I can assure you, because I do not wish to go into the details, as Mr. Unnikrishnan said that if my colleague the Law Minister had been here, he would have been in a better position to explain all that because I do not know whether compromise is possible; if it is not possible; anyhow the cases have to go to the court. Therefore, I do not want to...

SHRI K. RAMACHANDRA REDDY : We can claim exemplary damages.

SHRI VEERENDRA PATIL : That is why I said, while filing the cases whether it is necessary for us to mention the quantum of compensation. That is why I said I do not wish to go into the details. Some experts said that it is not necessary to mention the quantum of compensation at this stage. Therefore, it is all left to the legal advisers and we will go according to the advice that we receive from time to time from the legal advisers, from the law firm. That is all I want to say. At this stage I do not wish to go into the details about the quantum of compensation, on what basis we are going to claim the compensation, on what basis we are going to calculate the compensation, what are the criteria, what are the guidelines—these are not the matters which have to be discussed here when the matter is likely to go before the court and the purpose of the Bill is not to decide about the quantum. We are not discussing anything about the claims and all that; we are only taking power so far as these three options are concerned.

Some hon. Members wanted to know the details of the scheme. That is why I said a lot of people have suffered and they are still suffering and we do not know in the near future and in the long run also how many people are going to

suffer. So it is very difficult to guess; it is very difficult to arrive at a figure. Therefore, a scheme is being prepared and many Members wanted to know when the scheme is going to be prepared. The scheme is already being prepared in consultation with the Law Ministry and we have made it very clear in the Bill itself that as soon as the scheme is prepared, that would be placed before the House and the hon. Members will have full opportunity to discuss about this scheme. If they feel that there is need for any modification, they can suggest at that time. So, we are not doing anything to keep the hon. Members in dark. It is because, this is meant not only for those who have suffered, not only for those who are suffering but also for those who are likely to suffer in future. So, this scheme is being prepared only for that purpose.

SHRI H.A. DORA : Under clause (9) of the Bill, you have mentioned that the Central Government shall frame by notification in the Official Gazette a Scheme as soon as may be after the commencement of this Act. I request that this phrase "as soon as may be after" be replaced with "soon after". "As soon as may be" means, it may be 30 years or 40 years.

SHRI VEERENDRA PATIL : That is why. I have made it clear that the scheme is being prepared.

Some hon. Members, I think, Mr. Chintamani and other hon. Members, have wanted to know why this unit was allowed to be located in Bhopal or very near to Bhopal or very near to a thickly populated area. In 1972, a letter of intent was granted to this company and it was converted into licence in 1975. At that time, there was no location policy as such or decision taken as such by the Government of India. But I can only say from my information that at the time of giving licence or converting the letter of intent into licence, the State Government was taken into confidence and everything done was in consultation with the State Government. But the location policy decision must have been taken

by the Government of India subsequently in 1977 or 1978. So, before that, they approached the Government of India for converting it into a licence and they selected a site. The State Government also okayed the site. That is how, they came and started their activities there.

SHRI CHINTAMANI PANIGRAHI : What about the supervision of this MIC storage ?

SHRI VEERENDRA PATIL : So far as the supervision of storage or so far as safeguarding the health and life of the workers is concerned, it is the responsibility of the State Government. So, under the Factories Act, the State Government is expected to send its factory inspectors to visit the factories and to find out whether safety measures have been taken and whether the unit is functioning properly or not.

SHRI NARAYAN CHOUBEY : Were all these things done correctly ?

SHRI VEERENDRA PATIL : They have inspected several times. In the past, I agree, as one or two Members referred to, some incidents, some accidents did happen. Some injuries were there. In this, in one case, one worker was killed; and action was taken. They have been prosecuted and the cases are still pending in the courts. It is not that the State Government is keeping quiet or shutting its eyes. It is taking action under the Factories Act and wherever it has found that security measures, wanting, in such cases, it has proceeded against the factories and the cases are still pending in the courts.

Mr. Chintamani wanted to know, "because they are a multi-national company, why do you not confiscate their property and throw them out as we are a sovereign State?" I agree, we are a sovereign State. We have got enough powers. We can take over this unit; we can nationalise this unit. That way, immediately after this tragedy, the State Government have already proceeded against them. They have issued notice and they have asked them to close down the unit. To-

day the unit is completely closed down. No activity is going on in the unit. I have visited this unit immediately after I took charge of this Ministry. The State Government and the Central Government have got enough powers. It is not that we are incompetent. It is not that we are lacking in powers. In the past hon. Member, Mr. Chintamani and the entire House must be aware—we have thrown out several multi-nationals. I do not wish to name the multi-nationals which have been thrown out of our country. We can throw them out. But is it only the remedy? By throwing the Union Carbide out, can we find a remedy to all these problems that have been created because of this tragedy.

Now, we are thinking about the relief that has to be provided to those people. That is why this Bill is before us for our consideration. As to whether that should be nationalised, whether that should be allowed to continue in our country, that is a different matter.

I have already told the House on the last occasion that so far as the State Government is concerned, they do not want any activity of the Union Carbide in the State. They have made it very clear. The Chief Minister of Madhya Pradesh has already written to the Prime Minister saying that this unit should be nationalised and it should not be allowed to exist in Madhya Pradesh. That is under examination. That is a different matter. I wanted to make it very clear that, as a sovereign State, we are quite competent to take whatever decision we like which is in the interest of the country.

SHRI NARAYAN CHOUBEY : When the case lingers on, what relief are you going to give to the victims ?

SHRI VEERENDRA PATIL : Whether the case lingers on and it prolongs, we are not in a position to say; if it is filed here or in U.S. court; when the case is going to be decided—it is very difficult for anybody to predict it. But the relief measures are going on. The relief has already been given by the State Government. To the extent possible, the

[Shri Veerendra Patil]

Central Government has also helped them in providing relief *Ex-gratia* payment also has been made, not that it is compensation.

SHRI NARAYAN CHOUBEY : Will relief works continue beyond 31st March, 1985 ?

SHRI VEERENDRA PATIL : The hon. Member has put a pointed question as to whether relief works are going to continue beyond 31st March, 1985. To that, my reaction is that I will be in a position to tell the House only after I get in touch with the State Government to know what is their programme, how long they want to continue this relief work. My own feeling is that if the people are suffering and the relief has to be continued, then I will certainly have a talk with the Chief Minister. I will convey the feelings of the hon. Members of this also, whatever they have expressed about the relief measures, to the Chief Minister of Madhya Pradesh.

I do not wish to take more time of the House. It is not necessary also because it is a simple and non-controversial Bill. I want to again assure the House and, through the House, the entire nation that the Government of India is quite alive to this problem.

SHRI SAIFUDDIN CHOWDHURY : They could keep their method of production secret in the name of trade secret. So, I want to know whether the Government is going to have a model Act to regulate all such collaborations to set up such units so that our people can also scrutinise the methods that are being used by them. We have so many intelligent scientists. They can tell us what they are doing, whether it is good or bad for country. That is very much important for the safety of our people. Is the hon. Minister in a position to give a reply to that ? That is the need of the hour to prevent such disasters in future.

SHRI VEERENDRA PATIL : So far as the method of production is concerned, the question does not arise because the factory is closed now.

SHRI SAIFUDDIN CHOWDHURY : But there are so many other factories.

SHRI VEERENDRA PATIL : The factory is closed now. It is too early for me to say whether the Government of India or the State Government is going to permit them to resume their activity. But I know the mind of the State Government that they are not for allowing this Company to carry on their activities. They have made that very clear.

Now, the question is : What about safety measures for all such units which have health hazards. We have already taken several measures. It is not correct to say, as some hon. Members said, that these multi-nationals are producing this dangerous material only in developing countries. A similar unit to that which we have in Bhopal is in America also. I understand that unit has been closed down (*Interruptions*) and lot of agitation is going on, on the issue whether it should be allowed to be re-opened or not. That is a different matter. There are several chemical industries and most of the chemical industries are health hazards. Now this Bhopal tragedy opened the eyes of not only our country but of the entire world. Everywhere people are very much worried about this problem of pollution. We have, therefore, already undertaken studies in this regard. We have already written to the State Governments to suitably amend the Factories Act. We have already asked the State Government to activate their Pollution Control Board. All these measures are necessary in order to see that the industries which are producing these dangerous chemicals are completely pollution-free and absolutely safe. This aspect also is being studied and whatever measures are being adopted in the technologically advanced countries are also being studied.

I can only tell the hon. House that in view of the tragedy that has occurred in Bhopal, whatever is necessary in order to safeguard the health of the people working in factories is being done. We are also ensuring that the environment round about the factory and the entire country is free from pollution. All such measures are being considered and all

possible measures will be taken in due course of time.

SHRI K.P. UNNIKRISHNAN : I just want to seek a clarification about the claims of Indian Insurance Company to which I referred. Will you let us know ?

SHRI VEERENDRA PATIL : I am sorry. I do not have that information. Therefore, I am not in a position to give it.

SHRI K.P. UNNIKRISHNAN : You can give it later.

SHRI VEERENDRA PATIL : I will pass on your query to the Ministry of Law.

PROF. SAIFUDDIN SOZ (Baramulla): The damage that has been done has to be properly assessed. Government will pay compensation to those families whose people died and those who will be obviously sick. But one category of people have been left out. There are women who complain and they are getting medical help through private doctors. It seems that the babies in the wombs are adversely affected. Government have not organised medical termination of pregnancy. Therefore, women are going privately and getting pregnancies terminated. It is a great national loss. Who will pay compensation to them ? Who have assessed the damage ? (*Interruptions*)

SHRI VEERENDRA PATIL : It is not only a question of compensating those who have suffered but it is also a question of compensating those family members whose people have died. I have already mentioned that point. We are not only trying to help those are still suffering but we are also thinking of a scheme for those who are likely to suffer in future also.

PROF. SAIFUDDIN SOZ : Deformed babies are in the wombs.

SHRI VEERENDRA PATIL : While formulating the scheme, the problems of

those who will suffer in future will also be taken care of.

SHRI CHINTAMANI PANIGRAHI : I would like to know from the hon. Minister whether in view of the national disaster in Bhopal, Government of India is considering to review the functioning and the administration of the multi-national corporations in this country in future or at present and whether any fresh thinking is there on the part of the Government.

SHRI VEERENDRA PATIL : If a tragedy occurs in a particular factory, simply because it belongs to multi-nationals, I do not think it is correct to condemn all multi-nationals who are functioning in our country but so far as multi-nationals and foreign participation and collaboration is concerned, we have got a Board, the Foreign Investment Board. All such proposals are studied and only when they are found feasible, when they are found to be in the interest of the country, they are approved.

SHRI S.M. BHATTAM : Registration of claims, maintenance of claims, processing of claims—all these form the basic data on which the Government may have to proceed in future as far as institution of suits is concerned. There is no knowing as to when this will be complete. The Minister himself does not seem to be in a position to give us any inkling as to the final date by which this will be done. Again, the Minister has also not made it clear whether they prefer to go to the USA and file suits there or whether they will be taking a decision in favour of going to the courts here. What is the stand of the Government on these two issues ? When are we going to complete all this and when do they hope to render the necessary relief or initiate action in this regard ?

SHRI VEERENDRA PATIL : I am sorry if the hon. Member has not followed whatever I have said. I have answered this point. I have said that, so far as filing of the case in U.S. courts is concerned if we have to take a decision, we have to take that decision very shortly. I have already

[Shri Veerendra Patil]

read that note. We have already appointed a law firm for that purpose and four attorneys have already arrived in our country and they are in Delhi now; they want to familiarize themselves with the whole thing, they want to discuss about the plans they have prepared. All that is being done. If we have to file a suit in U.S. court, we have to file it before the 16th April because the next date of hearing has already been fixed for 16th April.

SHRI H.A. DORA (Srikakulam) : I wanted to explain...

MR. DEPUTY-SPEAKER : No explanation. Seek only clarification.

SHRI H.A. DORA : My submission is this. Suppose by the time the decree is awarded either by the Indian courts or by the American courts, if the assets of the particular company are liquidated or transferred in favour of third parties, then the very purpose of the Act itself would be frustrated. What steps are being taken by the hon. Minister to safeguard the interests of the claimants in this regard ?

SHRI VEERENDRA PATIL : This is a hypothetical question that the hon. Member has put. The hon. Member feels that, during the pendency of the case, the Company might try to transfer their property. We have already appointed a law firm and it is their job to find out, and if any such thing happens, certainly they will advise the Government of India to take necessary action in the matter. In all these matters, because they involve legal issues, we will be guided by our law firm, by our legal advisers, and we will act on the basis of whatever advice is given by the legal advisers.

MR. DEPUTY-SPEAKER : In view of the reply given by the hon. Minister, would the hon. Member, Shri Janga Reddy, like to withdraw his Resolution ? Or, should I put it to the vote of the House ?

SHRI C. JANGA REDDY : I am not pressing.

The Resolution was, by leave, withdrawn.

MR. DEPUTY-SPEAKER : The question is :

“That the Bill to confer certain powers on the Central Government to secure that claims arising out of, or connected with, the Bhopal gas leak disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants and for matters incidental thereto, as passed by Rajya Sabha, be taken into consideration.”

The Motion was adopted.

MR. DEPUTY-SPEAKER : The House will now take up clause-by-clause consideration of the Bill.

MR. DEPUTY-SPEAKER : There are many clauses to which Shri D.B. Patil has given notice of amendments. But as stated by him while speaking, he will not be able to move the amendments given notice of by him as he was leaving for the constituency.

So I will put all the clauses together to the vote of the House.

The question is :

“That clauses 2 to 12 stand part of the Bill.”

The motion was adopted.

Clauses 2 to 12 were added to the Bill.

Clause 1, the Enacting Formula and the title were added to the Bill.

SHRI VEERENDRA PATIL : I beg to move :

“That the Bill be passed.”

MR. DEPUTY-SPEAKER : The question is :

“That the Bill be passed.”

The motion was adopted.