

SHRI S. JAIPAL REDDY : Since when ?

SHRI VASANT SATHE : You forget about when. Are you interested in the result or are you interested in finding fault ? I am telling you the position. Even today the Karnataka Government is not able to assure power. They have not given power even when we have paid Rs. 70 crores for the Kudremukh project. No power is available in Karnataka even for their own steel plants, like, Viswesaraya steel plant. No power is available there. My hon. friend should know that unless power is assured, this steel plant cannot work.

SHRI S. JAIPAL REDDY : Is he aware about power which has been denied to the people of Karnataka ?

SHRI VASANT SATHE : Therefore, it is no requesting the Planning Commission and the Finance Minister to give Rs. 400 crores if you cannot assure power. You assure power and I assure you the plant.

SHRI K.H. RANGANATH : Is it not a fact that when Mr. George Fernandes was the Industry Minister, he suggested that a shore-based project was better and, thereby they shelved the construction of the Vijayanagar Steel Plant ?

*(Interruptions)**

MR. DEPUTYSPEAKER : The Question Hour is over. There is no time. Please sit down. You give your question in writing. I am going to the Short Notice Question of Prof. K.K. Tewary.

*(Interruptions)**

MR. DEPUTY SPEAKER : Nothing will go on record.

*(Interruptions)**

MR. DEPUTY-SPEAKER : The time

is over. You given your question in writing to the Hon. Minister who will answer your question. Please sit down. You cannot question my authority.

The question hour is over. Now We shall take up the short Notice Question. Prof. K. K. Tewary.

SHORT NOTICE QUESTION

[English]

Reported Release of a technical report by the union Carbide Corporation, USA on the Gas Leakage at Bhopal

1. PROF. K. K. TEWARY : Will the Minister of CHEMICALS AND FERTILIZERS be pleased to state :

(a) Whether attention of Government has been drawn to the reported release of a Technical Report by the Union Carbide Corporation, USA on the causes of Toxic gas leakage from their plant at Bhopal and reported statements of the Chairman and other officials of that Corporation disclaiming any responsibility or liability on the part of the Union Carbide Corporation, USA in regard to the disaster and their attempt to attribute all responsibility entirely on the Indian Managers and Operators of the said plant;

(b) If so, the reactions of Government in this regard ?

THE MINISTER FOR CHEMICALS AND FERTILIZERS AND INDUSTRY AND COMPANY AFFAIRS (SHRI VEERENDRA PATIL) : (a) Yes, Sir.

(b) The reported conclusions in the so-called technical report of the Union Carbide Corporation, USA are apparently based on insufficient evidence and therefore, are speculative. Further, the statements reported to have been made

in the press by the officials of the Union Carbide Corporation, USA regarding responsibilities for the unfortunate leakage, while releasing the so called technical report, are unwarranted and unjustified. The publication of the technical report based on inadequate data and statements based on it by officials of the Corporation, therefore, appear to be motivated.

There is adequate evidence to establish, in a convincing manner, the culpability of the Union Carbide Corporation of USA for the Bhopal Gas Disaster. Government, however, cannot but refrain from raising a public debate at this stage, when the matter is sub-judice, but shall present all the facts in this regard at an appropriate forum.

PROF. K.K. TEWARY (Buxar) : Sir, the report of the Union Carbide is a strange document and this seems to be an attempt to wriggle out of the whole responsibility. This disaster at Bhopal is unparalleled in the history of the industrialised world. Thousands of people died and thousands were rendered helpless. Some of them became crippled. In the light of this horrendous tragedy, Government took many steps like rehabilitation of victims and then there was flurry of activity. Many American advocates suddenly descended on Bhopal and we heard that cases are being prepared for paying suitable compensation to the victims of this gas disaster and tragedy. After all this, now we hear from the Union Carbide that the culprit multi-national company are not involved in any case and an attempt is being made deliberately to throw the blame at the doors of the Indian managers and some Indian functionary is there. This is a very serious attempt on the part of the Union Carbide. It is an attempt to completely absolve themselves of all responsibility of paying compensation to the victims here and their role in this disaster.

I would, therefore, request the hon. Minister to take up the matter with

utmost seriousness and to tell the House and the country what precise measures are going to be taken by the Government not only to stop repetition of such disaster but also to ensure that the victims are paid compensation. Those who are dead are dead. But this disaster is going to have a long-term impact. People who are maimed have to be rehabilitated.

We are told that the doctors have suggested that even the unborn children will carry the effects of this disastrous incident. So, it is a very serious crime and a crime which has to be pursued to its logical conclusion so that the culprits may be brought to book...

AN HON. MEMBER : What about remedy ?

PROF. K. K. TEWARY : What remedies will you suggest if those who are to explain are trying to run away from this....(Interruptions)

MR. DEPUTY SPEAKER : Please address the Chair.

PROF. K. K. TEWARY : There seems to be a concerted attempt on the part of this Corporation to wash itself of all the responsibilities that normally should be its share for this disaster. Therefore, the light of this, I would like to know from the hon. Minister whether, when this Report came, when this Technical Report, as they say, came, when it was announced by the functionaries of the Corporation, our Embassy in the U.S.A. took some action about this Report.

SHRI VEERENDRA PATIL : According to my information, this Report was produced by the Union Carbide Corporation of the United States of America, and the Chairman of this Corporation released this Report in America on 20th March, 1985. The Hon. Member wanted to know as to what was the Indian Embassy. We have received a report from the Indian Embassy. The Indian Embassy, accord-

ing to that report, has issued the following statement to the press :

“The Government of India have been proceeding with great circumspection in dealing with the question of the responsibility and liability of the Union Carbide Corporation in respect of the disaster in its Bhopal Plant. We would have hoped for at least as much care on the part of the Union Carbide and can only deplore the fact that the Company has not only published a so-called report which, by its own admission, has been prepared without knowledge of the full facts relating to the tragedy but has seen fit to include assertions or implications which are unjustified and unacceptable. Further comments on the Technical Report are being issued by the experts concerned in India.”

PROF. K. K. TEWARY : My second supplementary is about the role of this multi-national *vis-a-vis* this plant since they are now trying to shift the responsibility to the local managers. I would like to know from the Hon. Minister whether the design of the Plant and the technical services were provided by the Union Carbide of U.S.A. for this Plant. This also should be made clear as to what precise relationship exists between the Indian Plant at Bhopal of Union Carbide and the head office of the Union Carbide in the U.S.A. and the multi-national as such.

SHRI VEERENDRA PATIL : The Hon. Member will appreciate that at this stage it will not be in public interest to reveal details of the evidence available with the Government in this regard. However, it is known that the Union Carbide Corporation, U.S.A., has 50.9 per cent equity in the Union Carbide India Limited and, therefore, has overriding controlling interest. Further, the design and technical services for the Bhopal Plant were provided by the Union Carbide, U.S.A.

PROF. MADHU DANDAVATE : Is

it a fact that there is a growing feeling among the people who are affected by this tragedy at Bhopal that there is an effort on the part of the Government to settle this problem with the Union Carbide Corporation outside the court and if that fear is there, is it not a fact that if any effort is made to settle the problem outside the court, the difficulties are that if we judge by the conditions in U.S.A., if a similar episode were to take place in U.S.A. then the case is very clear that the minimum damage that the American Jury would award in the court would range from 50,000 to 100,000 dollars for each injury and more than that for each death. And since the Union Carbide's assets are such that they are not likely to bear such a big responsibility, any effort to settle the problem of compensation outside the court will be to the detriment of these who have suffered at Bhopal and, therefore, will you give an assurance to this House that this will not be settled outside the Court ?

SHRI VEERENDRA PATIL : Only the other day this was discussed threadbare in this House and while considering the Bill, I had made it clear that the Bill gives powers to the Government of India and according to the provisions of the Bill there are three options open to the Government of India. One option is to file the cases in American courts, the second option is to file the cases in Indian courts and the third is to have a compromise outside the court. These are the options open to the Government of India. I have made it very clear that while accepting any of these options, the only guiding factor is the best interests of the victims. Supposing there is an offer—we have not yet received any concrete offer from the company—and if that offer is in the best interests of the victims, certainly we will consider and if that offer is not in the best interests of the victims, then we will not consider and there is no question of bringing any pressure on the Government.

SHRI HAROOBHAI MEHTA : Will

the hon. Minister State whether according to the findings of an Indian investigation at least three days before the gas leakage, the plant technicians were aware that something was wrong with tank No. 610 and that the top brass management in U.S.A. also was aware of this and yet no action was taken to find out what was wrong with tank No. 610 ?

SHRI VEERENDRA PATIL : The report referred to by hon. Member Shri Tiwari who has tabled this question is not the report we have produced. That is the report produced by the Union Carbide Corporation of U.S.A. So the hon. Member Mr. Tewari wanted the reaction of the Government with regard to that report and the statements made in that connection by the office-bearers of the Union Carbide. So there is no question of our report and making comments on it. This is the report produced by them. They have commented on that report and it has appeared widely in the media of the U.S.A. So the hon. Member wanted to know the reaction of the government and I have already given my reaction.

SHRI E. AYYAPU REDDY : What has happened to the criminal case registered against the top man of the Union Carbide ? He obtained anticipatory bail. First he was refused bail and subsequently he obtained bail. Has the investigation been completed and is the Government thinking of filing a charge-sheet against him ?

SHRI VEERENDRA PATIL : The case has been launched by the Madhya Pradesh Government and the case has been registered and the investigation has been entrusted to CBI and CBI is investigating into this matter and investigation is going on.

SHRI INDRAJIT GUPTA : Of the three options which the Government has formulated, the first is that the case should be filed in the American courts. Secondly, it may be filed in the Indian courts. I would like to know, this is not a question of individual liability. It is a

question of corporate culpability. In case it is found in the investigations that Union Carbide Ltd., U.S.A. is a guilty party I presume your cases will have to be filed in the American courts but that does not automatically rule out the share of culpability on the part of Union Carbide India Ltd. which is a subsidiary company. So, these two options are not mutually exclusive. What is the government's view in this regard ? It may be necessary to file cases both in the U.S.A. courts and Indian courts. There are two corporate bodies involved. I know Americans are trying to pass on the buck to somebody else but that does not automatically create the Directors of Union Carbide India Ltd. I hope the government will take adequate precaution and care to see that in the matter of corporate liability none of the possible culprits are allowed to escape on technical grounds.

Sir, it is for the first time we came to know that this Union Carbide India Ltd. were permitted to have over 50 per cent—59 per cent—foreign equity holding. I would like to know how it came about and on what grounds it was permitted ?

SHRI VEERENDRA PATIL : Sir, the other day while discussing it I made it clear and I want to make it clear to the hon. Member also that Government of India wants to proceed against Union Carbide Corporation of U.S.A. It is because it may be a subsidiary company but this company has got more than 50 per cent share holding. Therefore, they cannot escape this responsibility and we are working out all these alternatives particularly the first two alternatives whether we should file the cases in American courts or Indian courts. The other day I informed the House that so far as the filing of cases in American courts is concerned, the point is that there is a limited time available and we have to take a very early decision. We have appointed the law firm and the attorneys are already here and they are going to visit the

plant. If we want to file the cases then within a week or two we have to take the decision. Government is fully prepared and making all preparations to take all necessary steps to safeguard the interests of the victims.

WRITTEN ANSWERS TO QUESTION

[English]

Import of Cement

*245. SHRI MOHAN BHAI PATEL: Will the Minister of COMMERCE AND SUPPLY be pleased to state :

(a) the quantity of cement imported during the year 1984 and the amount involved;

(b) at what rate the import was made

and from which country;

(c) the quantity of cement likely to be imported during the year 1985; and

(d) the steps being taken to produce more cement in the country and reduce import of cement in future to save foreign exchange ?

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE AND SUPPLY (SHRI P. A. SANGMA) : (a) A quantity of 4.59 lakhs MTs of cement valued at Rs.23. 85 crores was imported on C. & F. basis during 1984, by S.T.C.

(b) The names of countries and the rates at which import was made are as under :

Name of country	Type of cement	Rate per M. T.
Poland	Ordinary Grey Portland cement	US S. 30 per M.T. F.O.B.
G.D.R.	—do—	Rs. 310. 40 per M.T. F.O.B.
Romania	—do—	Rs. 315 per M.T.F.O.B.
South Korea	Sulphate Resistance Cement	US \$. 48 per M.T. F.O.B.
Yugoslavia	White Cement	US \$.120. 50 per MT C&F

(c) No final decision has been taken on the total quantum of import of cement during 1985.

(d) In order to produce more cement installation of additional capacity has been approved. It is also being ensured that there is greater capacity utilization of existing units .

Banking Services in West Bengal

*247 : SHRI HANNAN MOLLAH : Will the Minister of FINANCE be pleased to state :

(a) whether the banking service in West Bengal particularly of the Leand Banks are reported to be very poor ;

(b) if so, the details of complainants

received-and

(c) the steps proposed to be taken by Government to improve the functioning of the Banks there ?

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : (a) to (c). The performance of banks in the State of West Bengal has been showing improvement over time. The deposits of Scheduled Commercial Banks in the State have increased from Rs. 3579 crores in December, 1979 to Rs. 6, 792 crores in March 1984. Advances have gone up from Rs.2, 302 crores to Rs. 3,889 crores during the same period. The average population per branch office for the State has improved from 23,000 as on 31-3-1982 to 19,000 on 31-12-1984. Priority sector advances by public sector banks in the State