

its kind. I want to know how much of production is expected in Narimalam.

SHRIMATI SUSHILA ROHTAGI : I am supposed to reply to the latter part but I will reply the first part.

MR. SPEAKER : Whichever can be satisfied.

SHRIMATI SUSHILA ROHTAGI : I am afraid I cannot reply the second part but I can assure the Hon. Member that...

SHRI S. JAIPAL REDDY : AIADMK will be satisfied without the answer also.

SHRIMATI SUSHILA ROHTAGI : I would like the Member to be satisfied that steps have been taken to increase the production of crude oil. We have adopted certain methods and we are taking steps to enhance production of oil and they will lead to very good results and, as a matter of fact, the water injection method has already started in Bombay High now. It is expected to begin in Bombay High South in September, 1986. Moreover, we are taking up repair of 400 sick wells. This also will add to the rate of production in oil. In addition, I would also like to point out that there are a number of research centres in the K. D. Malaviya Institute of Petroleum Exploration, Dehradun. There is a drilling institute. There is a reservoir study in Ahmedabad. There is Ocean Technology Institute. Each one of it is making efforts to increase production.

Illegal mining of coal

*66. SHRI RAM DHAN : Will the Minister of ENERGY be pleased to state :

(a) whether illegal mining of coal is constantly on the rise in Bihar and Madhya Pradesh; and

(b) if so, the steps being to taken prevent it ?

THE MINISTER OF ENERGY (SHRI VASANT SATHE) : (a) and (b) A statement is given below.

Statement

(a) No, Sir.

(b) There is no organised illegal coal mining in the lease hold areas of the coal companies in Bihar and Madhya Pradesh. However, as the coal belt in the country is vast, certain persons at times violate the provisions of law and indulge in illegal extraction of coal, sporadically and stealthily.

The coal Mines Nationalisation Acts were amended in 1976 making illegal coal mining a cognizable offence punishable with imprisonment extending upto 3 years and fine extending upto Rs. 20,000. The vires of these amendments have already been upheld by the Supreme Court in 1980. The State Governments have been asked to take both punitive and preventive action against the offenders in terms of the Nationalisation Act read with provisions of the Indian Penal Code. The State Governments in turn had already issued instructions to the district authorities. The coal companies have been directed to report the cases of illegal mining as and when detected by them to the law enforcing authorities in the State. Besides, the coal companies in conjunction with the State Government's law enforcing authorities conduct regular raids to apprehend offenders. Regular patrolling and surprise checks are also being conducted by the coal companies.

[Translation]

SHRI RAM DHAN : Mr. Speaker, Sir, the Hon. Minister has very cleverly admitted that illegal mining in Madhya Pradesh and Bihar is going on in an un-organised manner and not in an organised manner. It is a known fact that the politicians, the police administration and mafia gangs have formed parallel governments in Bihar and even the trade union leaders are helpless there. By trade union leaders, I mean the trade union leaders at all India level. The local trade union leaders are themselves involved in it. The helplessness of our Hon. Minister is that.....

[English]

SHRI ANANDA GOPAL MUKHOPADHYAY : Are you talking from your faith or knowledge ?

[*Translation*]

SHRI RAM DHAN : From both *dada*, you do not worry. I agree, you come from Asansol constituency, but I need not give this clarification.

MR. SPEAKER : Ram Dhanji, make your question brief.

SHRI RAM DHAN : It will be fifty per cent of the statement made by the Minister.

MR. SPEAKER : The statement is long, that is why it has been laid.

[*English*]

SHRI ANANDA GOPAL MUKHOPADHYAY : I simply ask my friend to tell us whether he is talking from his own faith or knowledge.

SHRI S. JAIPAL REDDY : It is his privilege.

MR. SPEAKER : When he becomes Minister, then I will allow him.

[*Translation*]

SHRI RAM DHAN : Mr. Speaker, Sir, the Hon. Minister has admitted that maintenance of law is the responsibility of the State. I agree that the Central Government only express their helpness in the matter, but I have seen that the State Governments do not take interest in it. I would like to know from the Hon. Minister the number of cases of un-organised and illegal mining that have been reported and the number of cases filed by the State Governments for taking legal action against such gangs ?

SHRI VASANT SATHE : Mr. Speaker, Sir, in the first instance I would like to say that I am not prepared to agree to the allegation made by the Hon. Member that at some places the local trade union leaders are part of the mafia. Trade union leaders cannot be connected with mafia.

...(Interruptions)...

SHRI VASANT SATHE : This too I do not agree that the local trade union workers in Bihar are known for their connection with mafia gangs. I do not want to say more in this regard.

This is a fact that even the Supreme Court endorsed the law that was enacted after the nationalisation. No private person can undertake coal mining. This is an illegal and cognizable offence. As has been admitted by the Hon. Member himself, this is a State subject. It is for the State Government to file cases and ensure punishment. According to our information, 9 cases in 1983-84 and 12 cases in 1984-85 of illegal mining were filed in Girdih area. These cases were filed in the court, but are yet to be decided. Similarly, in Balumuchh area, one case in 1983-84, one in 1984-85 and seven in 1985-86 have been reported by the State Government.

SHRI RAM DHAN : Mr. Speaker, Sir, in the course of illegal mining, many labourers are killed due to caving in of the mines, most of whom are poor tribal labourers. The cases of these poor labourers are just hushed up. They are cremated and their cases are hushed up. Sometimes, even the State Government does not get any information about such cases. Even the all India level trade unions cannot do anything because of the influence of the local people. Therefore, I would like to know whether Coal Mines Labour Welfare Department of the Government of India provides any help to such poor labourers ?

SHRI VASANT SATHE : Sir, how is it possible. In the first place, it is an illegal act which does not come to the notice of the coal mines authorities. The Hon. Member is himself saying the cases are hushed up and nobody knows about them. I do not know how relief or compensation can be given to such labourers when it does not come to the notice of anybody, even to the State Governments. The coal mining authorities are not aware of it.

[*English*]

PROF. N. G. RANGA : This seems to be a scandalous affair. Surely, it should be within the power of the Government to make

enquiries and then come to know and ascertain who have suffered in this manner and who have been killed; and to the extent that they get good enough information, it should be possible for the Government to give some consolation and some support to the bereaved families. I would like to ask my Hon. friend to explore the possibility of helping those people.

SHRI VASANT SATHE : I will be only very glad if someone lets us know about the unknown person....

PROF. N. G. RANGA : They are known. The only trouble is, they are not officially known.

AN HON. MEMBER : Everything is known.

SHRI VASANT SATHE : If everything is known to those knowledgeable people, if that is brought to our notice, we will pass the information on to the State Government ...*(Interruptions)* I really do not understand why the Members are getting worked up. I have my full sympathy for those who suffer. The only thing is that the CIL...*(Interruptions)*

SHRI NARAYAN CHOUBEY : You send Prof. Tewary. He will legalise the illegal mining.

THE MINISTER OF STATE IN THE DEPARTMENT OF PUBLIC ENTERPRISES (PROF. K. K. TEWARY) : Most of Mr. Choubey's people are doing these things.

SHRI VASANT SATHE : I agree that ultimately the people and the leaders of the area should take care of the whole psychology of the area and take measures to see that illegal mining does not take place. People do not suffer and they do not get hurt or die. This is the best way of doing it.

SHRI BASUDEB ACHARIA : The number of prosecutions made for illegal mining is quite less than the actual illegal mining that is being done, particularly in Bihar in Jharia coalfield area under CIL. May I

know from the Hon. Minister what concrete steps he proposes to take to stop this illegal mining and also, in order to stop this illegal mining whether Government propose to start new projects, where there are large reserves of good quality of coal?

SHRI VASANT SATHE : We have plans to invest heavily in starting new projects in all these areas, but I do not think that can take care of any illegal mining if at all it is being done. This, I think, will have to be tackled mainly by the local authorities. As far as Coal authorities are concerned, whenever any such instance—and I have given an example—comes to our knowledge, we immediately take action against them. I informed the House last year that even in the States when they wanted to allow certain private bodies to do mining, we objected to that and the Bihar Government has stopped any such mining by any private people.

MR. SPEAKER : Shri Ananda Gopal Mukhopadhyay. Now we shall see the difference between knowledge and faith.

SHRI ANANDA GOPAL MUKHOPADHYAY : Is the Hon. Minister aware that illegal mining operations on a very large scale are also going on in West Bengal ?

SHRI VASANT SATHE : I will be thankful if some concrete information is passed on by the knowledgeable Member.

MR. SPEAKER : Next Question.

SHRI ANAND SINGH : Question No. 67.

THE MINISTER OF STATE IN THE DEPARTMENT OF PUBLIC ENTERPRISES (PROF. K. K. TEWARY) : *Rose*

[Translation]

SHRI BALKAVI BAIRAGI : Mr. Speaker, Sir, my friend Shri Tewary has risen for the first time to reply after he become a Minister. I shall recite a couplet; please listen to it attentively :

*Meine Suna hai aapke paon mein hai karar
Aap bhi unki taraf fisle nahin huzur,*

PROF. K. K. TEWARI : You please save yourself from him.

MR. SPEAKER : Choubeyji, you have made him a Minister and have silenced him.

(English)

Bhopal gas victims compensation case

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***67. SHRI ANAND SINGH :
SHRI KRISHNA SINGH :**

Will the Minister of **INDUSTRY** be pleased to state :

(a) whether the US Federal Judge Mr. John Keenan for the Bhopal gas tragedy compensation case in New York Court has ordered that the Union Carbide Corporation must submit to the jurisdiction of Indian courts;

(b) if so, the details thereof and the reaction of Government of India thereon:

(c) what further steps are contemplated by Government of India in the matter;

(d) whether Government are considering to set up a Special Court with a High Court Judge to try this case as reported in the 'Hindustan Times' dated 15th June, 1986; and

(e) whether any other steps are under consideration of Government to obtain payment of interim compensation to the victims from the Union Carbide Corporation and expedite the final payment?

THE MINISTER OF STATE IN THE DEPARTMENT OF PUBLIC ENTERPRISES (PROF. K. K. TEWARI) (a to c). A statement is given below.

Statement

(a) to (e). Yes, Sir. The details of the conditions of the Order passed by U. S. Federal District Court Judge Mr. John Keenan are as follows:

(i) Union Carbide shall consent to submit to the jurisdiction of the courts of India, and shall continue to waive defences based upon the statute of limitations (By an Order dated 28th May, 1986 the judge clarified that the statute of limitations will begin to run only after 12 months after the date of entry of the Order, or in the event stay is granted against the Order, until 12 months after the stay is lifted, whichever is later).

(ii) Union Carbide shall agree to satisfy any judgement rendered against it by an Indian Court, and if applicable, upheld by an appellate court in that country, where such judgement and affirmation comport with the minimal requirement of due processes;

(iii) Union Carbide shall be subject to discovery under the model of the United States Federal Rules of Civil Procedure after appropriate demand by plaintiffs.

2. Because of the stipulation of these conditions, it should now be possible to successfully seek enforcement of judgement that may be given by an Indian court, in the United States where the assets of Union Carbide, necessary to satisfy our claims, are located.

3. A suit is proposed to be filed in the Court of District Judge, Bhopal shortly against Union Carbide Corporation for damages in respect of the Bhopal gas leak disaster. Every effort will be made for expediting the disposal of the case including moving for entrusting the case to a Judge who will exclusively deal with the case. Other matters like the question of obtaining interim compensation for the victims will be considered at an appropriate time after the filing of the suit.

SHRI ANAND SINGH : As reported in several sections of the Press, the Union Carbide, while on the one hand is trying to prolong the litigation, on the other hand, they are diverting its assets and funds to its