

goods are manufactured which look like the original ones. What measures have been taken in this regard ?

[*English*]

SHRI M. ARUNACHALAM : Sir, this is a de-licensed sector and we are making sale and production of spurious parts a cognizable offence. We have referred the matter to the Law Ministry. Trade Marks Act may also be amended to provide more stringent punishment. This is also under the consideration of the Government. Apart from that we have given excise duty concessions and also allowed collaborations with foreign technology. What else can we do ?

[*Translation*]

SHRI MOHD. MAHFOOZ ALI KHAN : It is all right. But it is not an answer to my question. You have mentioned about de-licensing.

[*English*]

MR. DEPUTY-SPEAKER : He has already mentioned that they are taking necessary action to punish those people through law to see that inferior quality product is controlled and superior quality parts are promoted.

[*Translation*]

SHRI MOHD. MAHFOOZ ALI KHAN : But the spurious parts would continue to be manufactured. Against how many manufacturers of spurious parts have you taken action and what punishment has been awarded to them ? The Government machinery itself is responsible for the manufacture of spurious components. In the workshops, your own vehicles are not fitted with original parts although the prices of the original ones are charged from you. Thus the manufactures of the spurious parts make more profit than the manufactures of the original parts. Hence, I want to ask as to what is being done to curb the menace of the marketing of spurious components ?

SHRI BALKAVI BAIKAGI : Mr. Deputy Speaker, Sir, the hon. Minister should understand what it implies. It

means that the spurious components are the cause of breaking up of the Lok Dal Party everyday.

[*English*]

SHRI M. ARUNACHALAM : Sir, as far as our Department is concerned we have not conducted any study. Press report is on the basis of a study conducted by a private agency. We have asked the Association of Component Manufactures to take certain measures and have seminars to bring awareness amongst the consumers.

[*Translation*]

SHRI MADAN PANDEY : Mr. Deputy Speaker, Sir, the duplicate parts are being sold in the market with the knowledge of the hon. Minister. The vehicles which are sent for repair are fitted with sub-standard duplicate parts and what the hon. Minister has stated is not going to solve the problem. I want to know from the hon. Minister whether the Government is considering amendment of the relevant law in order to ensure strict action against the manufactures of the spurious or duplicate components ?

[*English*]

SHRI M. ARUNACHALAM : Sir, I have already said that we have taken up this matter with the Law Ministry and we are considering it.

SHRI NAWAL KISHORE SHARMA : Is the Minister aware that with the introduction of the Consumer Protection Act action can be taken against all these spurious manufactures ?

If so, would he initiate action under this Act ?

SHRI M. ARUNACHALAM : Sir, I don't think it will come under the Consumer Protection Act. If there is any possibility, we will study it.

U. S. Court Judgement in Bhopal Gas Case

*91. DR. DATTA SAMANT :
DR. B. L. SHAILESH : Will the Minister of INDUSTRY be pleased to state :

(a) whether it is a fact that Federal Appeal Court of New York has reversed the Lower court order and given decision on 14th January, 1987 that the case of Bhopal gas leak tragedy might continue in the United States; and

(b) if so, the steps Government propose to take regarding this judgement in order to get fair compensation to Bhopal gas tragedy victims?

THE MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI R. K. JAICHANDRA SINGH) : (a) No, Sir.

(b) All possible steps are being taken to obtain fair compensation for the Bhopal gas tragedy victims. A suit has already been filed in the Court of District Judge, Bhopal.

DR. DATTA SAMANT : Sir, about two years have passed. 3,000—so-called officially—have died and 2,000 are now the victims. I don't know what is the figure and we are discussing in this House for the last 2-3 years. I think, as per my knowledge, initially some few hundred rupees were given to each. Otherwise they have not received anything and all these leaders' discussions are going on.

On the contrary, after the decisions on the Bhopal case, the management had approached the US Federal Court and Government has given advocates, including Mr. Michael Ciresi. The whole argument of this Carbide in the US Federal Court is that "this is one of our multi-national subsidiary. So, we are not liable for whatever occurred. We have taken all potential measures while dealing with this plant". That Court has heard on the 14th February that this case "can be heard"—it is not compulsory. Subsequently the Central Government has given the advocate and he has filed against the affidavit.

MR. DEPUTY-SPEAKER : Put your question. What do you want?

DR. DATTA SAMANT : And taking the advantage of the Shriram case in the Delhi Supreme Court that whatever things happened anywhere, the employer is res-

ponsible. I have got all these documents, the New York Times cutting, etc. How is Government saying it is not? It is such a vital question and an important one about what happened two years back.

Therefore, I am asking the Government whether this issue was raised in the US Federal Court? Whether the Court has given a directive that it can be heard? Whether the Government has appointed again Michael Ciresi and some advisers there and again filling your case taking the advantage of the Shriram versus the Supreme Court case that it is liable? Whether these are the facts or not?

SHRI R. K. JAICHANDRA SINGH : Sir, the hearing before the Federal Appeal Court in New York is not the Shriram factory case. Therefore, this particular point was not raised. The actual fact as of now is, if you remember, Sir, the New York District Court sometime in 1986 had ruled that jurisdiction to file this case would be in India. Accordingly, we filed a case before the District Court in Bhopal. What the appellate court has done now is to remove the two of the conditions which were part of the earlier judgement by Judge Keenan. The whole implication of the latest judgement is being studied by the Government and we are examining whether or not we should go in appeal. The whole matter is under examination.

DR. DATTA SAMANT : Sir, it means that partly the Government has given the choice and you are going in appeal. But the reply given is totally 'no', Sir.

Now considering this vital point that so much big tragedy has occurred, in Bhopal court also, there are about 6-7 hearings. The summons is issued one day late. Some day the management appeared. Sir, I have got all the details.

Is it the way the Government is going to proceed in this matter? Therefore, I am asking a categorical answer when these thousands of victims, some of whom had already died, are starving, whether to take some surety because now they are avoiding this payment; they are passing this responsibility on the subsidiaries. Again they are taking the judgement. Again they are

fighting in both the courts. So, whether the Government can say what are the total liabilities as per the Government; and whether the Government will take assets of the Carbide in India—in Bombay, also, they are having a factory? What interest will the Government take to see that early compensation is paid to the victims? It is high time that the Government must do something very seriously.

SHRI R. K. JAICHANDRA SINGH : Let the hon. Member spell out what interest he will like us to take.

As regards part (a) of the question, if you read the question properly, the question was :

“Whether it is a fact that Federal Appellate Court has reversed the Lower Court order and given decision on 14th January, 1987 that the case of Bhopal gas might continue in the United States.”

This reversal has not taken place. The jurisdiction condition which is the main condition still stands. Two other conditions have been removed. The condition that the jurisdiction of the court will be in India still stands.

As regards the question what interest the Government will take, the Government is trying its best. We have been pursuing this case very vigorously in the Bhopal court and there has been no let-up and the Government will do all that it can do. We have appointed a number of lawyers who are stationed in Bhopal. They are examining the case thoroughly. These are the positive steps being taken by us.

[*Translation*]

DR. B. L. SHAIKESH : Mr. Deputy Speaker, Sir, this case is being delayed inordinately and the affected families have been suffering considerable hardships. Is the Government considering any measure in order to provide relief to the affected families?

[*English*]

SHRI R. K. JAICHANDRA SINGH : As regards the rehabilitation and relief pro-

gramme, I need a separate notice, because the present question relates to a particular case in New York.

[*Translation*]

SHRI K. N. PRADHAN : Mr. Deputy Speaker, Sir, so far as relief programmes for the gas victims are concerned, I would certainly congratulate the Government for it has done enough in this regard. But out of the conditions put by Justice Keenan in this case, one was about jurisdiction, the second about the enforcement and the third was about the discovery of documents. 27 months have since passed. You are very well aware of the sluggish manner in which the case has proceeded. Among the three conditions put by the Appellate Court two have been removed. If the two sides do not come to an agreement in regard to the ‘discovery of documents’ then you can imagine what the consequences would be. Secondly, if the condition of enforcement is scrapped, then whatever judgement there might be it would be of little use. In my opinion, the Government of India could either go in for appeal or keep the case pending in the Bhopal Court. But Union Carbide had offered an out of the court settlement even before. Therefore, we can make offer for an arbitration. Will the Government consider these two points?

[*English*]

SHRI R. K. JAICHANDRA SINGH : As I said, there were three conditions. The first is about the consent of both the parties to submit to the jurisdiction of the courts in India. One condition relates to the process of discovery, and the other condition was that the 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 affirmance comport with the minimal requirements of due process. That means, whatever judgement we have as a result of this case in Bhopal, even if it goes up to the highest appellate court, that would be enforceable in the United States. This matter was agitated upon by both the parties before the appellate court and the appellate court had decided that they would delete two clauses in view of the reasons given by them. I would not go into the

details of it, because it is mentioned in the judgement itself and this has become a public document.

About the settlement as to whether we have any negotiations, the only negotiations we had was when the case was with Judge Keenan and the hon. Member have already been informed about it. I have said on a number of occasions on the floor of the House that we have explored the possibility of having a settlement, as long as the case was in Justice Keenan's Court. After that we have not heard anything.

SHRI LAL VIJAY PRATAP SINGH : Mr. Deputy Speaker, it is now more than two years since the Bhopal Gas tragedy occurred and there is no sign of the victims getting any compensation from the Union Carbide. Apart from filing the case in the Court, what concrete action has been taken to prevent the multinationals from hoodwinking these victims ?

SHRI R. K. JAYCHANDRA SINGH : I would surely need a separate notice on this.

Steps to Increase Export of Public Sector goods

*93. **SHRI Y. S. MAHAJAN :** Will the Minister of INDUSTRY be pleased to state :

(a) the steps suggested by the Ministry/Bureau of Public Enterprises to increase exports of goods of public sector enterprises to reach the target of 25 per cent of value of production in the case of engineering enterprises as recommended by the Kanpur Committee; and

(b) the existing machinery for monitoring progress in this regard and how it is proposed to be strengthened to take follow up action so that the public sector units reach the target set by them as early as possible ?

THE MINISTER OF STATE IN THE DEPARTMENT OF PUBLIC ENTERPRISES IN THE MINISTRY OF INDUSTRY (PROF. K. K. TEWARY) :

(a) The steps suggested to engineering public sector undertakings under this Ministry to increase their exports, inter-alia include,

setting up of export cells, drawing up long term export plans, periodic review of export performance and to work in coordination with sister public sector undertakings for increasing project exports.

(b) Export performance of these undertakings is reviewed periodically at various levels and depending upon the needs of each situation, appropriate measures are taken to increase exports.

SHRI Y. S. MAHAJAN : The Government has taken a number of initiatives recently to enhance our exports and as a result, our exports have increased by 17.3 per cent and the rate of increase in imports is curbed to 1.4 per cent. But still, the overall situation is not satisfactory. We have lost our reserves to the extent of Rs. 160 crores during this current year. The public sector engineering units have a vital role to play in the international trade. Their exports should have increased considerably. May I know from the hon. Minister the increase in exports of the engineering goods during last year ?

PROF. K. K. TEWARY : Sir, during the last two years, Government has taken a number of steps to promote exports both in engineering and non-engineering sectors. So far as the Department of Public Enterprises is concerned, our export during 1984-85 was Rs. 311 crores and in 1985-86 there has been a perceptible increase in the export and the figures themselves speak of the performance. During 1985-86, the total export performance was Rs. 447 crores.

SHRI Y. S. MAHAJAN : An important measure is taken by the Government to give cash subsidies for exports. To what extent are these subsidies paid to the public sector units ?

PROF. K. K. TEWARY : In public sector, we have taken full advantage of cash subsidies and other export-promoting facilities that have been extended by the Government. That is why our performance in public sector has improved.

SHRI AJOY BISWAS : The Government is keen to increase the production of the public sector enterprises. If production